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MUNICIPAL MANUAL,

FOR

UPPER CANADA.

SECOND EDITION WITH SUPPLEMENT,

CONTAINING

THE MUNICIPAL CORPORATIONS ACT AND AMENDED ACT; ROAD AND
BRIDGE COMPANY'S ACT AND AMENDED ACT: ASSESSMENT ACT;
COMMON SCHOOL ACTS; GRAMMAR SCHOOL ACTS;
AND ALL OTHER ACTS WHICH CONFER POWERS OR
IMPOSE DUTIES ON THE MUNICIPALITIES.

WITH A MAP OF UPPER CANADA.

TORONTO:

HUGH SCOBIE, 16, KING STREET EAST,
AND SOLD BY ALL BOOKSELLERS.

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PREFACE.

THE great changes which have lately been made in the Municipal Institutions of Upper Canada, and the extension of the Municipal system, suggested the propriety and necessity of collecting and publishing, in a compact form, the various Acts and parts of Acts of Parliament, in force in the Province, relating to those Institutions. These, scattered over several volumes of the Statute Book, were not at all times to be obtained by parties wishing to consult them, and, even when accessible, they were not in a convenient form for reference. Accordingly, in May, 1850, the *Municipal Manual* was published, in which these Acts, carefully collected together, were presented in a form at once cheap and convenient. The *Municipal Manual* having met with public favour, the foundation was thus laid, for issuing a Second Edition with a Supplement, embodying such Amendments of the Acts as have since taken place, such additional Acts as have since been passed, in reference to Municipal affairs of Upper Canada; to which have been added a few other Acts of importance of older date.

The Subscriber has now the satisfaction of issuing the Second Edition with a Supplement. He trusts that the entire work will prove of essential service, in rendering the community familiar with the Municipal laws of Upper Canada, and the mode of carrying them beneficially and legally into execution.

The first part of the Work comprises a List of the Counties and Unions of Counties of Upper Canada, at present existing; from which it will be seen, that since the passing of the Counties' Division Act, two Junior Counties have been detached from the old Unions, and now form separate and distinct organizations.

The *Municipal Manual* and the *Supplement* can be purchased separately, or both together.

HUGH SCOBIE.

TORONTO, March, 1851.

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COUNTIES AND UNIONS OF COUNTIES, CANADA WEST.

Shewing the Townships, Towns and Villages of which they are composed, and the Cities lying within their boundaries; also the Unions of Townships for Municipal purposes. Those marked * are divided into Rural Wards.

I. CARLETON.

COUNTY TOWN, BYTOWN.

Carleton, Townships.

Bytown, (Town).
Fitzroy.
Gloucester.*
Goulbourn.

Carleton, Townships.

Gower, North.
Huntley.
March and Torbolton.
Marlborough.

Carleton, Townships.

Nepean.
Osgoode.*
Richmond, (Village.)

II. ESSEX AND LAMBTON.

COUNTY TOWN, SANDWICH.

Essex, Townships.

Amherstburgh, (Town).
Anderdon.
Colchester.
Gosfield.
Maidstone.
Malden.
Mersea.

Essex, Townships.

Rochester.
Sandwich.

Lambton, Townships.

Bosanquet.
Brooke.
Dawn.

Lambton, Townships.

Euphemia.*
Moore and Enniskillen.
Plympton.
Sarnia.
Sombra.*
Warwick.

III. FRONTENAC, LENNOX AND ADDINGTON.

CITY OF KINGSTON, COUNTY TOWN.

Frontenac, Townships.

Barrie. [uninhabited.]
Bedford, Olden and Oso.
Clarendon. [uninhabited.]
Kennebec. [uninhabited.]
Kingston.*
Loughborough.*
Palmerston. [uninhabited.]
Pittsburgh, (with Howe Island.)

Frontenac, Townships.

Portland and Hinchinbrooke.*
Storrington.*
Wolfe Island.

Lennox, Townships.

Adolphustown.
Fredericksburgh.
Richmond.

Addington, Townships.

Amherst Island.
Anglesea. [uninhabited.]
Camden East.
Ernestown.
Kaladar. [uninhabited.]
Sheffield.*

IV. HALDIMAND.

COUNTY TOWN, CAYUGA.

Haldimand, Townships.

Canborough.
Cayuga, North.
Cayuga, South.

Haldimand, Townships.

Dunn.
Oneida.
Moulton and Sherbrooke.

Haldimand, Townships.

Rainham.
Seneca.
Walpole.

V. HASTINGS.

COUNTY TOWN, BELLEVILLE.

Hastings, Townships.

Belleville (Town.)
 Grimsthorpe. [uninhabited]
 Hungerford.*
 Huntingdon.

Hastings, Townships.

Lake. [uninhabited.]
 Madoc and Elzevir.
 Marmora.
 Rawdon.

Hastings, Townships.

Sidney.
 Thurlow.
 Tudor. [uninhabited.]
 Tyendenaga.

VI. HURON, PERTH AND BRUCE.

COUNTY TOWN, GODERICH.

Townships, Huron and Bruce.

Ashfield and Wawanosh, in Huron; and all the newly surveyed Townships forming the County of Bruce, viz.:—
 Arran, Brant, Bruce, Carrick, Culross, Elderslie, Greenock, Huron, Kincardine, Kinloss and Saugeen.

Townships, Huron.

Biddulph.

Townships, Huron.

Colborne.
 Goderich.
 Hay.
 Goderich (Town.)
 McGillivray.
 McKillop and Hullett.
 Stanley.
 Tuckersmith.
 Osborne and Stephen.
 Howick, Morris, Turnberry and Grey, [newly surveyed.]

Townships, Perth.

Blanchard.*
 Downie.*
 Easthope, North.
 Easthope, South.
 Ellice and Mornington.
 Fullarton.
 Hibbert.
 Logan, Elma and Wallace.

VII. KENT.

COUNTY TOWN, CHATHAM.

Townships, Kent.

Camden and Zone.
 Chatham.
 Chatham (Town.)
 Dover, East and West.

Townships, Kent.

Harwich.*
 Howard.
 Orford.
 Raleigh.

Townships, Kent.

Romney.
 Tilbury, East.
 Tilbury, West.

VIII. LANARK AND RENFREW.

COUNTY TOWN, PERTH.

Townships, Lanark.

Bathurst and South Sherbrooke.
 Beckwith.
 Burgess, North.
 Dalhousie, North Sherbrooke and Levant.
 Drummond.

Townships, Lanark.

Elmsley, North.
 Lanark and Darling.
 Montague.
 Perth (Town.)
 Ramsay.

Townships, Renfrew.

Admaston, Bromley and Blithfield.
 Horton and Ross.
 McNab and Bagot.
 Pakenham.
 Westmeath, Pembroke and Stafford.

IX. LEEDS AND GRENVILLE.

COUNTY TOWN, BROCKVILLE.

Townships, Leeds.

Bastard and South Burgess.*
 Brockville, (Town.)
 Crosby, North.
 Crosby, South.*
 Elizabethtown.
 Elmsley.*

Townships, Leeds.

Escott.
 Kitley.
 Leeds and Lansdown, Front.
 Leeds and Lansdown, Rear.
 Yonge.*

Townships, Grenville.

Augusta.
 Edwardsburgh.
 Gower, South.*
 Oxford.
 Prescott, (Town.)
 Wolford.*

X. LINCOLN AND WELLAND.

COUNTY TOWN, NIAGARA.

(The County Council generally meets at St. Catharines.)

<i>Townships, Lincoln.</i>	<i>Townships, Lincoln.</i>	<i>Townships, Welland.</i>
Caistor.	St. Catharines, (Town.)	Pelham.
Clinton.		Stamford.*
Gainsborough.	<i>Townships, Welland.</i>	Thorold.
Grantham.	Bertie.*	Thorold, (Village.)
Grimsby.	Chippawa, (Village.)	Wainfleet.
Louth.	Crowland.	Willoughby.
Niagara.	Humberstone.	
Niagara, (Town.)		

XI. MIDDLESEX.

COUNTY TOWN, LONDON.

<i>Townships, Middlesex.</i>	<i>Townships, Middlesex.</i>	<i>Townships, Middlesex.</i>
Adelaide.	Dunwich.	Metcalfe.
Aldborough.	Ekfrid.	Mosa.
Bayham.	Lobo.	Southwold.
Carradoc.*	London.	Westminster.
Delaware.	London, (Town.)	Williams.
Dorchester.	Malahide.	Yarmouth.

XII. NORFOLK.

COUNTY TOWN, SIMCOE.

<i>Townships, Norfolk.</i>	<i>Townships, Norfolk.</i>	<i>Townships, Norfolk.</i>
Charlotteville.	Simcoe, (Town.)	Windham.
Houghton.	Townsend.	Woodhouse.
Middleton.	Walsingham.*	

XIII. NORTHUMBERLAND AND DURHAM.

COUNTY TOWN, COBOURG.

<i>Townships, Northumberland.</i>	<i>Townships, Northumberland.</i>	<i>Townships, Durham.</i>
Cobourg, (Town.)	Percy.	Clarke.*
Cramahe.*	Seymour.*	Darlington.*
Haldimand and Alnwick.	<i>Townships, Durham.</i>	Hope.*
Hamilton.	Cartwright.*	Manvers.*
Monaghan, South.*	Cavan.*	Port Hope (Town.)
Murray.*		

XIV. OXFORD.

COUNTY TOWN, WOODSTOCK.

<i>Townships, Oxford.</i>	<i>Townships, Oxford.</i>	<i>Townships, Oxford.</i>
Blandford.*	Norwich.	Oxford, West.
Blenheim.	Oakland.	Woodstock (Town.)
Burford.	Oxford, East.	Zorra, East.
Dereham.	Oxford, North.	Zorra, West.
Nissouri.		

XV. PETERBOROUGH.

COUNTY TOWN, PETERBOROUGH.

Townships, Peterborough.
 Asphodel, Belmont and
 Methuen.*
 Douro.*
 Dummer and Burleigh.*
 Eldon.

Townships, Peterborough.
 Emily.
 Mariposa.
 Monaghan, North.
 Ops.
 Otanabee.*

Townships, Peterborough.
 Peterborough, (Town.)
 Smith, Ennismore and Harvey.*
 Verulam, Fenelon, Bexley and
 Sommerville.*

XVI. PRESCOTT AND RUSSELL.

COUNTY TOWN, L'ORIGINAL.

Townships, Prescott.
 Caledonia.*
 Hawkesbury, East.
 Hawkesbury, West.

Townships, Prescott.
 Longueuil and Alfred.
 Plantagenet, North.
 Plantagenet, South.

Townships, Russell.
 Cumberland, Russell, Clarence
 and Cambridge.

XVII. PRINCE EDWARD.

COUNTY TOWN, PICTON.

Townships, Prince Edward.
 Ameliasburgh.*
 Athol.*
 Hallowell.*

Townships, Prince Edward.
 Hillier.*
 Marysburgh.*

Townships, Prince Edward.
 Picton, (Town.)
 Sophiasburgh.*

XVIII. SIMCOE.

COUNTY TOWN, BARRIE.

Townships, Simcoe.
 Adjala.
 Artemesia.
 Essa.*
 Euphrasia and Collingwood.
 Gwillimbury, West.
 Innisfil.*

Townships, Simcoe.
 Medonte.*
 Mono.
 Mulmur.
 Nottawasaga and Osprey.
 North Orillia, South Orillia and
 Matchedash.*

Townships, Simcoe.
 Oro.*
 St. Vincent.
 Tecumseth.
 Tiny and Tay.
 Tossorontio.
 Vespra, Flos and Sunnidale.*

XIX. STORMONT, DUNDAS AND GLENGARY.

COUNTY TOWN, CORNWALL.

Townships, Stormont.
 Cornwall.
 Cornwall, (Town.)
 Finch.
 Osnabruck.
 Roxborough.

Townships, Dundas.
 Matilda.
 Mountain.
 Williamsburgh.
 Winchester.

Townships, Glengary.
 Charlottenburgh.
 Kenyon.
 Lancaster.
 Lochiel.

XX. WATERLOO.

COUNTY TOWN, GUELPH.

Townships, Waterloo.
 Arthur.
 Bentinck.
 Derby.
 Egremont.
 Eramosa.
 Erin.
 Garafraxa, Amaranth and Me-
 lancthon.
 Glenelg.

Townships, Waterloo.
 Guelph.
 Guelph, (Town.)
 Holland.
 Luther. [newly surveyed.]
 Minto. [newly surveyed.]
 Nichol.
 Normanby.
 Peel and Maryborough.
 Proton. [newly surveyed.]

Townships, Waterloo.
 Puslinch.*
 Sullivan.
 Sydenham.
 Waterloo.
 Wellesley and Mornington.
 Wilmot.
 Woolwich.

XXI. WENTWORTH AND HALTON.

CITY OF HAMILTON, COUNTY TOWN.

<i>Townships, Wentworth.</i>	<i>Townships, Wentworth.</i>	<i>Townships, Halton.</i>
Ancaster.*	Paris, (Village.)	Esquesing.*
Barton.	Saltfleet.	Flamborough, East.*
Binbrooke.		Flamborough, West.*
Brantford.*	<i>Townships, Halton.</i>	Galt, (Village.)
Brantford, (Town.)	Beverly.*	Nassagaweya.
Glandford.	Dumfries.*	Nelson.*
Onondaga and Tuscarora.	Dundas, (Town.)	Trafalgar.*

XXII. YORK.

CITY OF TORONTO, COUNTY TOWN.

<i>Townships, East Riding.</i>	<i>Townships, North Riding.</i>	<i>Townships, South Riding.</i>
Markham.*	Gwillimbury, North.	King.*
Oshawa (Village.)	Mara and Rama.	Vaughan.*
Pickering.*	Reach.	York.*
Scarboro'.*	Scott.	
Whitby.	Thora.*	<i>Townships, West Riding.</i>
	Uxbridge.	Albion.
<i>Townships, North Riding.</i>	Whitchurch.	Caledon.*
Brock.		Chinguacousy.*
Georgina.	<i>Townships, South Riding.</i>	Toronto.*
Gwillimbury, East.	Etobicoke.*	Toronto, Gore.*

MUNICIPAL CORPORATIONS,

UPPER CANADA.

ACT 12 VIC., CAP. 81.

An Act to provide, by one general law, for the erection of Municipal Corporations, and the establishment of Regulations of Police, in and for the several Counties, Cities, Towns, Townships and Villages in Upper Canada.

[30th May, 1849.]

WHEREAS it will be of great public benefit and advantage that provision should be made, by one general law, for the erection of Municipal Corporations and the establishment of Regulations of Police in and for the several Counties, Cities, Towns, Townships and Villages in Upper Canada: And whereas, with a view to this object, certain Acts of the Parliament of this Province, and certain others of the Parliament of the late Province of Upper Canada, have, by an Act passed during this present Session of Parliament been repealed: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intitled, *An Act to re-unite the Provinces of Upper and Lower-Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That this Act shall commence and have force and effect upon, from and after the first day of January, in the year of our Lord, one thousand eight hundred and fifty, and not before; excepting always such of its provisions as may require that any thing be done preparatory to the first elections to be held under it, which provisions shall be in force immediately upon, from and after the passing thereof.

Preamble.

Commencement of this Act.

Exception as to preparatory proceedings.

I. TOWNSHIPS.

II. And be it enacted, That the inhabitants of each Township in Upper Canada, which shall have one hundred or more resident freeholders or householders on the Collector's Roll thereof, for the last year that the same shall have been made up, prior to the time this Act is appointed to come into force, shall be a Body Corporate, and as such shall have perpetual succession and a Common Seal, with power to break, renew and alter the same at pleasure, and shall be capable of suing and being sued, of pleading and being impleaded in all Courts and places whatsoever, of purchasing, acquiring and holding lands and tenements, and other real and personal property within such Township for the use of the inhabitants thereof, in their corporate capacity, and of making and entering into such contracts as may be necessary for the exercise of their corporate functions, and that all such powers shall be exercised by, through and in the name of the Municipality of each Township respectively.

Inhabitants of Townships incorporated.

Their Corporate powers.

How exercised.

III. And be it enacted, That it shall be the duty of the Municipal Council for each District in Upper-Canada, at a Special Meeting to be held for that purpose on the second day of October next after the passing of this Act, and to be continued by adjournment from time to time to

Townships having less than a certain population to be united to others, & how

such period not being beyond the second day of November next thereafter, as may be necessary for completing the business hereby imposed upon them, by a By-law to be passed for that purpose at such meeting, to attach every Township lying within any County in their District which shall have within it less than one hundred resident freeholders and householders on the Collector's Roll for the last year, that the same shall have been made up prior to the said second day of October next, to some other adjacent Township lying within the same County, and such Township so united or attached to such adjacent Township, shall, until the dissolution of such Union as provided for by this Act, be known as the Junior Township of such Union of Townships, and be represented in one Municipality in common with such adjacent Township, which shall in like manner be known as the Senior Township of such Union; and from and after the first day of January next, after the passing of this Act, every Township newly laid out by the Crown, or not having within it one hundred resident freeholders and householders on the Collector's Roll, and not then already attached to or united with any other Township as aforesaid, shall, by a By-law of the Municipal Council of the County in which such Township shall be situate, be united for the purposes of this Act to such adjacent Township, in such County as such Municipal Council shall think fit, and also to some one particular rural Ward of such Township, where such last mentioned Township shall have been divided into such Wards, or part of it to one of such Wards and part of it to another of such Wards, with a view to the representation of the freeholders and householders thereof, in the Municipality of such United Townships, and all such Townships shall, while they shall continue so united, be called *The United Townships of mentioning their names*, and the word Township, shall for the purposes of this Act, be held and considered to apply to and include Townships so united as well as single Townships, and such Unions may be made to consist of two or more Townships, as convenience may require.

IV. And be it enacted, That it shall and may be lawful for every such Municipal Council if they deem it expedient so to do, in and by such By-law, to divide each of the Townships (including Unions of Townships as aforesaid,) in each County, into rural Wards, for the election of Township Councillors, for such Township excluding from such Wards any and every Incorporated Village, Town or City, and the liberties thereof lying within the limits of such Township, which Division into rural Wards shall be made in such manner that the several Wards in each of such Townships shall, as regards the number of freeholders and householders entitled to vote at the election of Township Councillors for the same, respectively, be as nearly equal as practicable, regard being however also had to the convenience of such freeholders and householders, and to the rendering each of such rural Wards as compact as circumstances will permit.

V. And be it enacted, That every such Municipal Council, whenever by such By-law they shall divide any such Township into rural Wards as aforesaid, shall in the same By-law appoint a convenient place in each of such Wards for holding the election of Township Councillors for such Ward, and shall also appoint a fit and proper person to hold the first election of a Township Councillor in each of such Wards respectively.

VI. And be it enacted, That copies of every such By-law shall be published by every such Municipal Council, twice at least in the Official Gazette of this Province, and at least four times in some public newspaper, if any there be published in such County, and copies thereof shall be moreover posted up in the four most public places in each Township in such County

Which shall be the Junior Township.

As to Townships newly laid out or having less than a certain population after 1st Jan. 1850.

As to Townships having Rural Wards.

Word "Township" interpreted.

Townships may be divided into Rural Wards, and how.

A place in each Ward to be appointed for elections, &c.

Publication of By-laws for a division into Wards.

VII. And be it enacted, That every such Municipal Council, whenever by such By-law they shall divide any such Township into rural Wards as aforesaid, and shall fix the places for holding the first elections in such Wards and appoint Returning Officers for holding the same, shall cause a copy of such By-law under their seal to be delivered to the person appointed to hold the election for each of such Wards, or to be left for him at his usual place of residence one calendar month at least prior to the time for holding the election, and every such person shall, and he is hereby required to hold the first election of Township Councillor for the Ward to which he shall be so appointed, and in default thereof shall be liable to a penalty of not more than Ten pounds for his default in the premises.

Copy of By-laws to be sent to the person appointed to hold the election in a Rural Ward, &c.

VIII. And be it enacted, That it shall and may be lawful for the Municipality of each Township from time to time by any By-law or By-laws to be passed for that purpose, to divide such Townships anew into several Wards as aforesaid, re-arranging the same so as more effectually to accomplish the objects aforesaid, every which division by such Municipality shall supersede that so to be made by such District or County Municipal Council, as well as every previous division made by such Municipality, itself; Provided always, nevertheless, that no such first mentioned By-law shall be of any force or effect unless the same shall have been passed by a vote of at least four fifths of the members of such Municipality for the time being.

Any Township division into Rural Wards may be altered.

Proviso as to By-law for altering it.

IX. And be it enacted, That it shall and may be lawful for the Municipality of each Township, from time to time, by any By-law or By-laws to be passed for that purpose, to appoint a fit and convenient place in each of the several Wards into which such Township shall be divided for holding the election of Township Councillors, therefore, every which appointment shall supersede that made by such District or County Municipal Council, as well as any appointment previously made by such Municipality.

Place for holding elections may be altered.

X. And be it enacted, That it shall be the duty of every Township Municipality whose Township shall be divided into rural Wards as aforesaid, to appoint annually fit and proper persons to be the Returning Officers for holding the elections of Township Councillors in the several rural Wards into which such Township shall be so divided.

Returning Officers to be appointed.

XI. And be it enacted, That whenever any Junior Township of any such Union of Townships as hereinbefore mentioned and provided for, shall have within it one hundred resident freeholders and householders on the Collector's Roll, it shall and may be lawful for the Municipal Council of the County in which such Township shall lie, if they shall deem it expedient so to do, by a By-law to be passed for that purpose within the first nine calendar months of the following year, to divide such Junior Township into rural Wards, to fix the place for holding the first election of Councillors in each of such Wards, and to appoint Returning Officers for holding the same, and otherwise to provide for the due holding of such elections, as nearly as may be in the manner prescribed in and by the fourth, fifth, sixth and seventh preceding sections of this Act.

Provision as to division of the Junior Townships into Wards in case of separation.

XII. And be it enacted, That whenever any Junior Township of any such Union of Townships as is hereinbefore mentioned and provided for, shall have within it one hundred resident freeholders and householders on the Collector's Roll, such Junior Township upon, from and after the first day of January, in the year next but one thereafter, shall be incorporated by itself, and such Junior Township and the other Township or Townships to which it shall have been theretofore united, shall, from thenceforth to all intents and purposes whatsoever, be held and considered as separate Townships.

Provision for separation when the Junior Townships have sufficient population.

Provision as to proper alterations in the remaining Township, for elections, &c., Rural Wards, &c.

Proviso as to majority to pass the By-law.

Proviso : Commencement of By-law.

Provision as to elections if the proper alterations have not been made, &c.

Proviso : if parts of Ward remain in the Senior Township.

Number of Rural Wards in each Township.

When a Township united to another shall be incorporated by itself.

No part of Cities, &c., to form part

XIII. And be it enacted, That whenever any Junior Township attached or united to another as hereinbefore mentioned and provided for, shall have within it one hundred resident freeholders and householders on the Collector's Roll, it shall and may be lawful for the Municipality of such Union of Townships, if they shall deem it expedient so to do, by a By-law to be passed for that purpose within the first nine calendar months of the following year, to divide the remaining Township or Townships of such Union anew into rural Wards, to fix the place for holding the first election of Councillors in each of such Wards after the dissolution of such Union, and to appoint Returning Officers for holding the same, and otherwise to provide for the due holding of such elections as nearly as may be in the manner prescribed in and by the eight, ninth and tenth preceding sections of this Act : Provided always, nevertheless, firstly, that such By-law need not be passed by a vote of two thirds of the members for the time being of such Municipality as required with respect to some of such particulars by the proviso to the said eighth section, but shall be valid and effectual for all purposes whatever if passed by a majority of such Municipality in the usual way ; Provided also, secondly, that every such By-law shall contain a provision limiting it to come into force and take effect upon, from and after the first day of January, upon which such Union shall be dissolved, and not before.

XIV. And be it enacted, That whenever such new Division into Wards shall not have been made by the Municipality of any Union of Townships according to the next preceding section of this Act, in anticipation of the dissolution of such Union, and in consequence of the whole of any one or more of the rural Wards of any such Union of Townships lying wholly within the limits of any Junior Township of such Union, the other Township or Townships of such Union, upon the dissolution of such Union as provided for by this Act, shall be left without a sufficient number of Wards for completing the number of Councillors to which it or they shall be entitled according to the provisions of this Act, the elections of Councillors for such Senior or remaining Township or Townships, shall, after the dissolution of such Union, be made by general vote of the qualified freeholders and householders of the whole of such Senior or remaining Township or Townships at a general Township meeting, to be held for that purpose, at the time appointed by law, and not by rural Wards as theretofore, until the Municipality of such Senior or remaining Township or Townships shall, by a By-law to be passed for that purpose, have redivided such last mentioned Township or remaining Townships into rural Wards according to the provisions of this Act ; Provided always, nevertheless, that whenever notwithstanding the dissolution of any such Union, parts of the Wards of which such Junior Township, or some portion thereof formed a part, shall still remain to such Senior or remaining Township or Townships, the election of Township Councillors for the same shall not be by such general vote of such Township, but by Wards as before.

XV. And be it enacted, That in every case in which any Township shall be divided into rural Wards under this Act, the same shall be so divided into five of such Wards.

XVI. And be it enacted, That whenever any Township so attached or united to another shall have within it fifty resident freeholders and householders on the Collector's Roll, such Township shall, for the year following the making up such roll and thenceforth, be incorporated by itself, and such Township, and that to which it shall have been so united shall thenceforth, to all intents and purposes whatsoever, be held and considered as separate Townships.

XVII. And be it enacted, That no part of any Incorporated City, or of the liberties thereof, or of any Incorporated Town or Village, although

lying within the boundaries of a Township, shall, for the purposes of this Act, be held to form any part of such Township, nor shall it be lawful to appoint any election of Township Councillors to be held within the limits of any such City, or the liberties thereof, or within the limits of any such Incorporated Town or Village.

of Townships ;
nor shall Town-
ship elections be
held there.

XVIII. And be it enacted, That without any new election, the officers and persons elected or appointed in each and every Township in Upper-Canada, or to be elected or appointed under the laws now in force therein, shall continue in office until the fourth Monday of January, in the year of our Lord, one thousand eight hundred and fifty, and until their successors shall be elected and sworn into office.

Continuation in
office of present
Officers, &c., of
Townships.

XIX. And be it enacted, That if the Municipal Council of any District in Upper Canada shall not think fit, within the term and the manner prescribed for that purpose, to divide any Township into rural Wards, as provided by this Act, then and until such Township shall be divided into such Wards by the Municipality thereof, the election of Councillors for such Township shall be by the votes of the electors of the whole Township at a general Township meeting, to be held at the place where the last annual Township meeting, for the election of District Councillors and the appointment of parish and Town Officers was held in each Township, or in the case of Townships united or attached to each other, as aforesaid, then at the place where the last annual meeting for such purposes was held in the Senior Townships to which such other Township or Townships shall or may be attached or united as aforesaid, and such place shall continue to be the place for holding such elections under this Act in such Township until it shall be otherwise appointed by the Municipality thereof by any By-law or By-laws to be passed for that purpose: Provided always nevertheless, firstly, that it shall not be lawful in any such By-law to appoint such place of election within the limits of any Incorporated Village, Town or City, or the liberties thereof; and provided also, secondly, that when the place at which the last Township meeting shall have been held previous to the passing of this Act, shall be within the limits or liberties of any City, Town or Incorporated Village within the meaning of this Act, it shall be the duty of the Municipal Council of the District wherein the same is situated at such special meeting as aforesaid, to appoint by By-law some place within such Township and without the limits of such City, Town or Village for the holding of the first election of Township Councillors for such Township under this Act.

As to elections in
Townships not
divided into
Rural Wards.

Provido as to
places of election

Provido: if the
last election was
in a City, &c.

XX. And be it enacted, That in all cases in which the election of Councillors for any such Township shall be by general vote of the whole Township at a general Township meeting as aforesaid, and not by Ward elections as hereinbefore provided for, the Township Clerk for such Township, whether appointed under this Act or before the passing thereof, shall be the Returning Officer for holding such election.

Who shall be
Returning Offi-
cer in such case.

XXI. And be it enacted, That on the first Monday in January, in the year of our Lord, one thousand eight hundred and fifty, and on the first Monday in the same month, in each succeeding year, there shall be held an election either by general Township meeting or by Wards for Township Councillors for each Township in Upper Canada.

Election of
Township Coun-
cillors when to
be held.

XXII. And be it enacted, That it shall be the duty of the Collector for the Township, who shall be in office at the time of any such election, whether appointed under this Act or before the passing thereof, to produce at the opening of every such election for a Township or for any Ward thereof, either by himself or by some other person, a fair copy of the Collector's Roll made up next before such election, so far as such Roll contains the names of the freeholders and householders of such

Production of a
copy of the Roll
of freeholders
and householders
by Township
Collector.

Attestation of
such copy.

Proviso as to
parties occupying
portions of a
house.

Proviso as to
qualification of
an elector.

Five Councillors
to be elected
annually.

Place and time of
meeting of newly
elected Municipality.

Election of a
Townreeve.

Adjournment of
meetings.

Meetings to be
held in such
places as Municipality shall
appoint.

Who shall pre-
side at Meetings.

Township, if the election shall be by general Township Meeting; or so far as such Roll contains the names of the freeholders and householders of the Ward for which such election is held, if the election be for a Ward of such Township; with the amount of the assessed value of the real property for which they shall be respectively assessed on such Roll, which said copy shall be verified by affidavit or affirmation of such Collector, appended to or endorsed upon such copy, and sworn or affirmed before any Justice of the Peace for the County, to the effect that the same is a true copy of such Roll, so far as the same relates to the place for which such election is to be held, and that it contains the names of all the freeholders and householders in such Township, if such election be by general Township Meeting, or of such Ward, if the election be for a Ward of such Township, and the amount for which they shall have been assessed, as entered upon such Roll as aforesaid; and the persons entitled to vote at such election, shall be those whose names are upon the said copy of such Roll, thus verified, and who at the time of the election shall be resident in such Township, or Ward of such Township, as the case may be: Provided always nevertheless, firstly that the holder or occupier of any separate portion of a house having a distinct communication with a road or street, by an outer door, shall be considered a householder within the meaning of this Act, in case he shall be assessed therefor as a house upon such Collector's Roll as aforesaid: Provided also, secondly, that no person shall be qualified to be elected as a Township Councillor at any such election who shall not have been entered upon the said Roll as assessed for rateable real property held in his own right or that of his wife, as proprietor or tenant, to the value of one hundred pounds of lawful money of Canada.

XXIII. And be it enacted, That at each of the said yearly Township elections, there shall be elected either by a general Township vote or by Wards, five Councillors for the Township, who shall hold office until the third Monday in January, in the year next after that for which they shall have been elected.

XXIV. And be it enacted, That the Township Clerk, whether appointed under this Act, or before the passing thereof, or in case of there being no such Township Clerk, then any one of the Councillors returned at such Election shall, when no place is appointed for that purpose by By-law of the Municipality of such Township, appoint the place for the first meeting of the newly elected Municipality after such Election, which meeting shall be held on the second Monday next after such Election, or if not held on that day, then on some day thereafter, of which appointment he shall give notice to the Member or other Members of the Municipality; and at such first meeting the Councillors shall proceed to elect from amongst themselves a Townreeve, and in Townships which shall have five hundred resident freeholders and householders on the Collector's Roll as aforesaid, one Deputy-Townreeve for such Township for such year.

XXV. And be it enacted, That the said Township Municipalities shall and may severally adjourn their meetings, from time to time, at their pleasure, and the Townreeve, or in case of his death or absence, the Deputy Townreeve, shall have power at any time to summon a special meeting thereof.

XXVI. And be it enacted, That the meetings of each Township Municipality shall be held at such place within the Township as they shall themselves, from time to time, appoint by adjournment, or by any By-law to be passed for that purpose.

XXVII. And be it enacted, That the Townreeve shall preside at all meetings of the Township Municipality, or in his absence the Deputy

Townreeve when there is one, except only when there shall be no Townreeve or Deputy-Townreeve, in which case some other member of such Municipality to be appointed by them for that purpose, shall preside in such Municipality.

XXVIII. And be it enacted, That the Municipality for each Township shall, so soon as conveniently may be after their own election or appointment, nominate and appoint three Assessors for the Township and one Collector for the same; and that the said Assessors and Collector shall hold office from the time of their appointment respectively, until the third Monday in January of the year next after their appointment as aforesaid, and until the Municipality of such Township shall appoint new Assessors or a new Collector in their place, or in the place of any one of them, and in case of a vacancy in the office of any Assessor or Collector by death or removal of residence from the Township, the Township Municipality shall fill up the vacancy by a new appointment, at its then next meeting, or as soon thereafter as conveniently may be.

Appointment of Assessors and Collectors.

Term of office.

As to vacancies.

XXIX. And be it enacted, That the Municipality of each Township shall, upon the Report of the Auditors of the Township, finally audit and allow all accounts chargeable against the Township, and in case any such charges shall not be specially regulated by law, it shall be their duty to allow for the same such sums as may be just and reasonable, and they shall in like manner also audit and allow the accounts of the Township Treasurer and of the Township Collector, except so far as respects any County Rate collected by such Collector.

Audit of accounts.

Exception.

XXX. And be it enacted, That the boundary lines of the different Townships in Upper Canada shall hereafter be ascertained and established upon a permanent footing, under the authority of an Act of the Parliament of that Province, passed in the thirty-eighth year of the Reign of His late Majesty King George the Third, intituled, *An Act to ascertain and establish on a permanent footing the Boundary Lines of the different Townships of this Province*, or under the authority of any Act of the Parliament of this Province, to be passed in the present or any future session of Parliament for that purpose, upon the application of the Municipality of each Township respectively, or as such other Act may direct, and not upon that of the Quarter Sessions of the Peace, as required by such first mentioned Act: Provided always, nevertheless, that no application of freeholders shall be necessary to enable such Municipality to make the necessary application for such purpose.

Boundary lines of Townships to be permanently established, and how.

Act of U. C. 38 G. 3, c. 1.

Proviso.

XXXI. And be it enacted, That the Municipality of each of the Townships in Upper Canada, shall have power and authority to make a By-law or By-laws for each, all or any of the following purposes, that is to say:

Municipalities to make By-laws for certain purposes.

Firstly. For the purchase and acquirement of all such real and personal property within the Township as may be required for the use of the inhabitants thereof as a Corporation, and for the sale and disposal of the same, when no longer required.

Purchase of real property.

Secondly. For the erection, security, preservation, improvement or repair of a Town Hall, and of all other houses and buildings required by or being upon any land acquired by or belonging to such Township as a Corporation.

Town Hall.

Thirdly. For the purchase and acquirement of such real property as may be required for Common School purposes, for building Common School Houses, and for the sale and disposal of the same when no longer required, and providing for the establishment and support of Common Schools according to Law.

School House.

Fourthly. For the erection and establishment of one or more Public Pounds in such Township, and settling the Fees to be taken by Pound-Keepers.

Public Pound.

Pound-keepers,
Fence-Viewers
and other Town-
ship Officers.

Fifthly. For the appointment, under the Corporate Seal of such Township, of a sufficient number of Pound-Keepers, Fence-Viewers, Overseers of Highways, Road Surveyors, and of such and so many other Officers as may be necessary for carrying into effect any of the provisions of this Act, or of any other Act of the Legislature of this Province, or of the late Province of Upper-Canada, or of any By-law or By-laws of the Municipality of such Township, and in like manner to displace all or any of them and appoint others in their room, and to add to or diminish the number of them or any of them as often as the said Corporation shall see fit.

Duties of Town-
ship Officers.

Sixthly. For regulating and prescribing the duties of all Officers acting under the authority of the Corporation of such Township, and the penalties on their making default in the performance of such duties.

Their remunera-
tion.

Seventhly. For settling the remuneration of all Township Officers in all cases where the same is not or shall not be settled by Act of the Legislature, and for providing for the payment of the remuneration by such Act of the Legislature or by the By-laws of the said Municipality provided and appointed for all Township Officers whatsoever.

Bonds, &c., to
be given by them.

Eighthly. For regulating the bonds, recognizances or other securities to be given by all Township Officers for the faithful discharge of their duties; for inflicting reasonable penalties for refusing to serve in any Township Office, and for the infringement of any and every By-law of the Municipality of the Township.

Drains and water
courses.

Ninthly. For the erection, construction or repair of such drains and water-courses as the interests of the inhabitants of such Township shall in the opinion of the Municipality require to be so erected, constructed or repaired at the public expense of such Township.

Highways,
Roads, &c.

Tenthly. For the opening, constructing, making, leveling, pitching, raising, lowering, gravelling, macadamizing, planking, repairing, planting, improving, preserving and maintaining of any new or existing highway, road, street, side-walk, crossing, alley, lane, bridge or other communication within such Township, and for the stopping up, pulling down, widening, altering, changing or diverting of any such highway, road, street, side-walk, crossing, alley, lane, bridge, or other communication within the same: Provided always, nevertheless, that no such new, widened, altered, changed or diverted highway, road, street, side-walk, crossing, alley, lane, bridge or other communication, shall be laid out so as to run through or encroach upon any dwelling-house, barn, stable, or outhouse or any orchard, garden, yard or pleasure ground, without the consent in writing of the owner thereof.

Highways pass-
ing through
woods.

Eleventhly. For providing, that on each side of any highway, which shall pass through a wood, the timber shall be cut down for a space not exceeding twenty-five feet on each side of such highway, by the proprietor of the land on which such timber shall be, or in his default by the overseer of highways or other officer in whose division such land shall lie, such timber to be removed by the proprietor within a time to be appointed by the By-law, or in his default by such overseer of highways or other officer, in which last mentioned case it may be used by the overseer or other officer as aforesaid, for any purpose connected with the improvement of the highways and bridges in his division, or sold by him to defray the expenses incurred in carrying the By-law into effect; Provided always, that no such By-law shall authorize or compel the cutting down of any orchard or shrubbery, or of any trees planted expressly for ornament or shelter.

Proviso as to
orchards, &c.

Protection of
timber, stone,

Twelfthly. For the protection and preservation of any timber, stone, sand or gravel, growing or being upon any allowance or any appropria-

tion for any public road or roads within such Township, and for the sale of any timber growing or being upon any road allowance; if thought proper, by the Council.

sale of Timber
&c.

Thirteenthly. For regulating the driving and riding on or over any bridge erected or to be erected within such Township.

Driving over
bridges.

Fourteenthly. For regulating inns, taverns, ale houses, victualling houses, ordinaries, and all houses where fruit, oysters, clams, victuals or spirituous liquors, or any other manufactured beverage may be sold, to be eaten or drank therein, and all other places for the reception and entertainment of the public within the jurisdiction of the Corporation of such Township, and to limit the number of them, and in all cases when there exists no other provision by law for the licensing of such houses, to provide for the proper licensing of the same, at such rates as to the Corporation of such Township may seem expedient; the proceeds of such license, in cases not otherwise appropriated by law, to form part of the public funds of such Township, and to be disposed of as the said Corporation may consider advisable.

Inns, taverns,
victualling
houses, &c.

Licensing in
certain cases.

Fifteenthly. For making regulations as to pits, precipices, and deep waters, or other places dangerous to travellers.

Pits, precipices,
&c.

Sixteenthly. For granting money to the Municipal Council of the County in which such Township shall be situate, or to that of any adjoining County, to aid the making, opening, building, maintaining, widening or improving any highway, road, street, bridge or communication lying between such Township and any other Township in the same or any adjoining County, or in the making, opening, building, maintaining, widening or improving any highway, road, street, bridge or communication within such Township, assumed by the Municipal Council of the County as a county work, or agreed to be assumed by such Municipal Council on the condition of such grant.

Granting of
money for im-
proving roads,
&c.

Seventeenthly. For regulating the manner of granting to associated Joint Stock Road or Bridge Companies, permission to proceed with any Roads or Bridges within the jurisdiction of such Municipality, and the manner of afterwards ascertaining and declaring according to law the completion of the works undertaken by such Companies respectively, so as to entitle such Incorporated Companies to levy tolls upon such works, and of all examinations, enquiries and investigations necessary for the proper, efficient and judicious exercise of such power.

Joint Stock Road
Companies, &c.

Eighteenthly. For taking stock in or lending money to any Incorporated Road or Bridge Company to which such Municipality shall have granted a license to proceed with such work, in accordance with the requirements of the Statute in that behalf, or in or to any other such incorporated Road or Bridge Company, in whose Road or Bridge the inhabitants within the jurisdiction of such Municipality shall, in the opinion of such Municipality, be sufficiently interested to warrant them in taking such stock or lending such money for the advancement of such enterprize. All dividends, interest and proceeds to arise or be received from such stock or loan being at all times applicable to the general purposes of such Municipality, and to go in reduction of the rates required to be levied for such purposes.

Taking Stock in
Road or Bridge
Companies.

As to dividends,
interest, &c.

Nineteenthly. For restraining and regulating the running at large of horses, cattle, sheep, goats, swine, and other animals, geese, turkeys and other poultry, and to impound or provide for the impounding of the same, and for fixing the periods of the year during which such animals or poultry shall be permitted to run at large, and those during which they shall be restrained from doing so.

Running at large
of animals.

Twentiethly. For imposing a tax on the owners, possessors or harbourers of dogs; for regulating the manner in which such dogs may be

Tax on Dogs.

Destroying Dogs.

allowed to run at large, or for preventing such dogs from being allowed to run at large at improper times, and for killing and destroying such as are found running at large contrary to such By-law.

Destruction of weeds.

Twenty-firstly. For the destroying and suppressing the growth of weeds detrimental to good husbandry.

Exhibitions, puppet shows, wild animals, &c.

Twenty-secondly. For preventing, restraining or regulating exhibitions of wax figures, wild animals, puppet shows, wire-dancing, circus-riding, and other idle acts or feats which common showmen, circus-riders, mountebanks or jugglers usually exhibit, practice or perform, and requiring the payment of a sum not exceeding five pounds to the Township Treasurer before any and every such exhibition shall be allowed to be held or to take place; for imposing a fine upon the proprietors or persons in charge of such exhibition, in case they shall exhibit without such payment, and for the levying thereof by summary distress to be levied upon the goods and chattels of such showmen, or belonging to such exhibition, whether the owners shall be known or not, or for the imprisonment of the parties offending, for any time not exceeding one calendar month, and for the appropriation of such sums as may be received or recovered under any regulation or By-law to be passed for that purpose.

Damages payable by owners of animals trespassing.

Twenty-thirdly. For appraising the damages to be paid by the owners of horses, cattle and other animals trespassing, contrary to the By-laws or regulations of such Township.

Sale of animals impounded.

Twenty-fourthly. For causing such horses, cattle or other animals as shall be impounded, to be sold, in case the same are not claimed within a reasonable time, or in case the damages, fines and expenses shall not be paid according to such By-laws or regulations.

Height and description of fences.

Twenty-fifthly. For settling the height and description of lawful fences.

Establishment of boundary lines.

Twenty-sixthly. For procuring, in case the same hath not been already done, the ascertaining and establishment by public authority according to law, of the boundary lines of such Township, and providing for the periodical inspection and preservation of the durable monuments by law required to be erected for evidencing the same, and for procuring the necessary estimates, and making the necessary application for the same according to law.

Compounding for Statute labour.

Twenty-seventhly. For empowering the landholders in such Township, to compound for the Statute labour by them respectively performable, for any term not exceeding five years, at any rate not exceeding two shillings and six pence for each day's labour, and at any time before the labour compounded for ought to be performed, and by any such regulations to direct to what officer in each Township such composition money shall be paid, and how such money shall be applied and accounted for, and to regulate the manner and the divisions in which the Statute labour shall be performed.

Applying composition money.**Enforcing Statute labour.**

Twenty-eighthly. For enforcing the performance of Statute or Road labour, or payment of a commutation in money therefor.

Fines and penalties.

Twenty-ninthly. For the imposing and collecting by distress and sale of the goods and chattels of the offender or offenders reasonable penalties and fines not exceeding in any case five pounds currency, and reasonable punishment by imprisonment, not exceeding twenty days, for the breach of all or any of the By-laws or regulations of such Municipality.

Borrowing moneys.

Thirtiethly. For borrowing under the restriction, and upon the security hereinafter mentioned, all such sums of money as shall or may be

necessary for the executing of any Township public work within their jurisdiction, and the scope of the authority by this Act conferred upon them.

Thirty-firstly. For raising, levying, collecting and appropriating such moneys as may be required for all or any of the purposes aforesaid, either by way of tolls to be paid on any Township bridge, road, or other township work, to defray the expense of making, repairing, or maintaining the same, or by means of a rate or rates to be assessed equally on the whole rateable property of such Township, liable to assessment according to any law which shall be in force in Upper-Canada, concerning rates and assessments.

Raising and levying moneys.

Thirty-secondly. For making such other local regulations not contrary to any law of this Province, or to any By-law of the Municipal Council of the County within which such Township shall lie, and which shall by law extend to and be in force within such Township, as the good of the inhabitants of such Township may in their opinion require.

Local regulations not contrary to law.

Thirty-thirdly. For the repeal, alteration, or amendment, from time to time, of all or any of such By-laws, and the making others in lieu thereof, as to them may seem expedient for the good of the inhabitants of such Township.

Repeal, &c., of By-laws.

II. COUNTIES.

XXXII. And be it enacted, That the inhabitants of each and every County in Upper Canada, shall be a Body Corporate, and shall have perpetual succession and a Common Seal, with power to break, renew or alter the same at pleasure, and shall be capable of suing and being sued, of pleading and being impleaded, in all courts and places whatsoever,—of purchasing, acquiring and holding lands and tenements and other real and personal property within such county, for the use of the inhabitants thereof in their corporate capacity,—and of making and entering into such contracts as may be necessary for the exercise of their corporate functions, and that the powers of the Corporation shall be exercised by and through and in the name of the Municipal Council of such County.

Counties incorporated.

Corporate powers.

How exercised.

XXXIII. And be it enacted, That the Townreeves and Deputy-Townreeves of the several Townships, Villages and Towns within each County shall constitute the Municipal Council for such County.

Townreeves of Townships and Deputies, &c., to form the Municipal Council of such County.

XXXIV. And be it enacted, that the Municipal Council of each County shall meet at the Shire Hall, if there be one, or otherwise at the County Court House annually, on the fourth Monday in January, or if not on that day, then on some day thereafter, and their meeting may be adjourned from time to time, and to the same place, or to any other place within the County, or any City lying within the boundaries of such County, although such City may be a County in itself for municipal or other purposes, or within the liberties of any such City, and any Municipal Council may hold special meetings, (to be summoned at any time by the County Warden) at the place where the then last meeting of such Council shall have been held; and such special meetings may be adjourned from time to time, and to the same place, or to any other place within the County as aforesaid.

Meetings of County Municipal Councils.

As to Cities.

Special Meetings.

XXXV. And be it enacted, That the Municipal Council of each County shall, at their first meeting on or after the fourth Monday in January in each year, choose from amongst themselves a County Warden, who shall thenceforth preside at all meetings of such Municipal Council.

Election of County Warden.

XXXVI. And be it enacted, That the keeping and repairing of the Shire Hall, County Court House and Gaol, and of any House of Correc-

Keeping and repairing of Shire Hall, &c.,

to be charged upon each County.

Duty of Council with respect to properly repairing highways, bridges, &c., assumed as County Roads or Bridges, &c.

Powers of Minor Municipalities to cease as to the same.

Proviso: certain improvements not to constitute such assumption.

Roads and Bridges between different Townships to be under jurisdiction of Counties through which they run.

Roads and Bridges between two Counties, &c., to be under the jurisdiction of both.

As to By-laws regarding the

tion that may be erected and established by the Municipal Council, shall be charged upon each County in Upper-Canada, and it shall be the duty of the Municipal Council to cause the same to be repaired and kept in repair at the expense of the County, and to raise by rate upon the County all sums of money which shall be necessary for such purposes, and for every other purpose, the expense whereof shall be by law chargeable upon the County.

XXXVII. And be it enacted, That whenever any new or existing highway, road, street, bridge or other communication within any Township, shall by any By-law of the Municipal Council of the County in which such Township is situate, be assumed by such Municipal Council as a County County road or bridge as being one in which more than one Township or the whole County is interested, it shall be the duty of such Municipal Council, and they are hereby required with as little delay as reasonably may be, and at the expense of the County, to cause such road to be planked, gravelled or macadamized, or such bridge to be built in a good and substantial manner, and from the time of the passing of the By-law assuming such road or bridge as a County work as aforesaid, and so long as the same shall remain unrepealed, the Municipalities of the Townships in which such road or bridge shall be situate, shall cease to have any jurisdiction or control over the same or any part thereof as respects the making, maintaining or improving the same, or the stopping up, altering or diverting the same, or the protection or preservation of any timber, stone, sand or gravel growing or being thereon, or the regulating the driving or riding thereon, or other use thereof: Provided always, nevertheless, that the mere laying out of County money upon any road lying between any two or more Townships for the improvement thereof, or exercising the other powers by this Act conferred upon them with respect to such line roads, shall not be deemed an assumption of the same as County roads, so as to render it obligatory upon the said County, to cause the same to be planked, graveled or macadamized as hereinbefore provided, and this notwithstanding that the line of such roads may occasionally deviate from its course between such Townships, or any two of them, so as in some places to lie wholly or in part within one of such Townships only.

XXXVIII. And be it enacted, That all roads and bridges running, lying or being between different Townships, situate in the same County, shall be exclusively within the jurisdiction and subject to the control of the Municipal Council of such County as far as respects the making, maintaining or improving the same, or the stopping up, altering or diverting the same, or the protection and preservation of any timber, stone, sand or gravel growing or being thereon, or the regulating, the driving or riding thereon, or other use of the same, and this notwithstanding that the line of such road or bridge shall or may occasionally deviate from its course between such Townships, and in some parts thereof may lie wholly within one of such Townships.

XXXIX. And be it enacted, That all roads and bridges running, lying or being between different Counties or between a County and a City lying within the boundaries of such County or on the bounds of a Town or Incorporated Village within such County, shall be within the jurisdiction and subject to the control of the Municipal Corporations of both such Counties, or of such County and City or Town and Village as far as respects the making, maintaining or improving the same, or the stopping up, altering or diverting the same, or the protection of any timber, stone, sand or gravel growing or being thereon, or the regulating the driving or riding thereon, or other use of the same, and this notwithstanding that the line of such road or bridge shall or may occasionally deviate

from its course between such Counties or such County and City, or along the bounds of such Town or Village, and in some parts thereof lie wholly within one or the other of such Counties, City, Town or Village, and no By-law to be passed by any of such Municipal Corporations with respect to any such road or bridge, for any of the purposes aforesaid, shall have any force or effect whatsoever until the passing of a By-law in similar or corresponding terms as nearly as may be by the other of such Corporations.

XL. And be it enacted, That the Municipal Council of each County shall, upon the report of the Auditors of the County, finally audit and allow all accounts chargeable against the County : and in case any such charges shall not be specially regulated by law, it shall be their duty to allow for the same such sums as may be just and reasonable ; and they shall in like manner also audit and allow the accounts of the County Treasurer, and of the Collectors of the several Townships within their County, so far as the accounts of such Collectors shall relate to County purposes.

Audit of accounts chargeable against County.

And of Treasurers and Collectors.

XLI. And be it enacted, That the Municipal Council of each County shall have power and authority to make a By-law or By-laws for each, all or any of the following purposes, that is to say :

Councils may make By-laws for certain purposes.

Firstly. For the purchase and acquirement of all such real and personal property, within the County, as may be required for County purposes, and for the sale and disposal of the same when no longer required.

Purchase of real Property.

Secondly. For the erection, preservation, improvement or repair of a Shire Hall, Court House, Gaol, House of Correction, House of Industry, and of all other Houses and other buildings required by or being upon any land acquired by or belonging to such County as a Corporation.

Erection, &c., of Shire Hall and other county buildings.

Thirdly. For the purchase and acquirement of such real property as may be required for County Grammar School purposes, and for the erection, preservation, improvement and repair of County School Houses for the use of Grammar Schools in such parts of the County, or within any City or the liberties thereof, lying within the boundaries of such County, as the wants of the people most require, for the sale and disposal of the same when no longer required, and for making such provision in aid of such Grammar Schools as they may deem expedient for the advancement of education in the same.

Erection, &c., of land for School Houses, &c.

Fourthly. For making some permanent provision for defraying, out of the public funds of such County, the expense of the attendance at the seat of the University of Toronto, and of that of Upper-Canada College, and Royal Grammar School there, of such and so many of the Pupils of the different Public Grammar Schools of such County, as shall be desirable of, and in the opinion of the respective Masters of such Grammar Schools shall be of competent attainments for entering into competition for any of the Scholarships, Exhibitions or other similar Prizes offered by such University or College to competition amongst such Pupils, but which Pupils from the inability of their Parents or Guardians to incur the necessary expense of such attendance, might otherwise be deprived of the opportunity of competing for the same.

Making a provision for the expenses of Pupils attending in the University of Toronto, &c., whose parents are unable to incur such expenses.

Fifthly. For the endowment of such and so many Fellowships, Scholarships, Exhibitions and other similar Prizes in the University of Toronto, or in Upper Canada College and Royal Grammar School there, to be open to competition amongst the Pupils of the different public Grammar Schools of such County, as they shall deem expedient for the encouragement of Learning amongst the youth of such County.

Endowment of Fellowships in the University of Toronto, &c.

Sixthly. For the appointment of the Inspectors of the County House of Industry and of such and so many Officers as may be necessary for

Appointment of Inspectors of

House of Industry.

carrying into effect any of the provisions of this Act, or of any other Act of the Legislature of this Province, or of the late Province of Upper Canada, the erection or maintainance of such Houses of Industry or of any By-law or By-laws of the Municipal Council of such County respecting the same.

Remuneration of County Officers.

Seventhly. For the settling the remuneration to all County Officers in all cases where the same is not or shall not be settled by Act of the Legislature, and for providing for the payment of the remuneration by such Act of the Legislature or by the By-laws of the said Municipal Council provided and appointed for all County Officers.

Regulation of Ferries, &c.

Eighthly. For regulating all Ferries between any two places in such County, and for establishing the rates of pay or hire to be taken by the owners or conductors of the boats or vessels employed on such Ferries, but no By-law for any such purpose shall have any force or effect until the same shall have been assented to by the Governor of this Province in Council.

Proviso.

Remuneration of Townreeves.

Ninthly. For settling and paying a rate at which the Townreeves and Deputy Townreeves forming such Municipal Council shall be remunerated for their attendance at such Council: Provided always, nevertheless, that no By-law to be passed for this latter purpose after the year of our Lord, one thousand eight hundred and fifty, shall be valid, unless the same shall by the terms of it be limited to take effect two whole years at least from the passing thereof.

Proviso as to commencement of such By-law.

Erection, &c., of drains.

Tenthly. For the erection, construction or repair of such drains and water courses as the interests of the inhabitants of such County at large shall in the opinion of the Municipal Council require to be so erected, constructed or repaired at the public expense of such County.

Opening, making and repairing roads, &c.

Eleventhly. For the opening, constructing, making, levelling, pitching, raising, lowering, gravelling, macadamizing, planking, repairing, planting, improving, preserving and maintaining of any new or existing highway, road, street, side-walk, crossing, alley, lane, bridge or other communication running, lying or being within one or more Townships or between two or more Townships of such County, or between such County and any adjoining County or City, or on the bounds of any Town or Incorporated Village lying within the boundaries of such County, as the interests of the inhabitants of such County at large shall in the opinion of the Municipal Council require to be so opened, constructed, made, widened, changed, diverted, levelled, pitched, raised, lowered, gravelled, macadamized, planked, repaired, planted, improved, preserved or maintained at the public expense of such County; and for entering into, performing and executing any arrangement or agreement with the Municipal Corporation of any such adjoining County or Counties, City or Cities, or of any such Town or incorporated Village as aforesaid, for the execution of any such work at the joint expense and for the joint benefit of the Municipal Corporation of such Counties, Cities, Towns or Villages and the people they represent respectively; and for the stopping up, pulling down, widening, altering, changing or diverting of any such highway, road, street, bridge or communications within the same; Provided always, nevertheless, that no such new, widened, altered, changed or diverted highway, road, street, side-walk, crossing, alley, lane, bridge or other communication, shall be laid out so as to run through or encroach upon any dwelling house, barn, stable, or outhouse, or through any orchard, garden, yard or pleasure ground, without the consent in writing of the owner thereof.

Agreeing with Municipalities as to such work.

Proviso as to encroachments on certain kinds of property.

Protection of timber, &c.

Twelfthly. For the protection and preservation of any timber, stone, sand or gravel growing or being upon any allowance or appropriation for any of such County roads.

- Thirteenthly.** For regulating the driving and riding on or over any County bridge erected or to be erected under the authority of such Municipal Council. Regulation of driving on Bridges.
- Fourteenthly.** For preventing the immoderate riding or driving of horses or cattle in any of the public highways in such County, whether such highways be Township or County roads. Prevention of immoderate driving on Highways, &c.
- Fifteenthly.** For making regulations as to pits, precipices and deep waters, or other places dangerous to travellers in the immediate neighbourhood of any County Road or Bridge. Regulations as to Pits, &c., near Roads.
- Sixteenthly.** For granting to any Town, Township or Village, in such County, by way of loan or otherwise, such sum or sums of money in aid of such other moneys as may be raised by the Municipal Corporation of such Town, Township or Village, or by voluntary subscription, for or towards the making, opening or erecting of any new road or bridge in such Town, Township or Village in cases where such Municipal Council shall deem such Town, Township or Village work of sufficient importance to justify the affording such assistance to it, with a view to the general interest possessed by the County at large in such Town, Township or Village, and yet where such work is not of a character, in their opinion, to justify them, in at once assuming the same as a County work to be executed wholly at the expense of the County at large. Granting loans to Towns, Townships, &c., in the County.
- Seventeenthly.** For attaching any new Township or Townships within such County not having a sufficient population for a separate Municipal organization of their own under the provisions of this Act, to such of the older Townships of such County as they shall deem best for the convenience of the inhabitants of such new Township or Townships, and for thus forming them into a Union of Townships for the purpose of such Municipal organization. Attaching Townships to others.
- Eighteenthly.** For regulating the manner of granting to associated Joint Stock Road or Bridge Companies, licenses to proceed with any roads or bridges within the jurisdiction of such Municipal Council, and the manner of afterwards ascertaining and declaring according to law the completion of the works undertaken by such Companies respectively, so as to entitle such Incorporated Companies to levy tolls upon such works, and of all examinations, enquiries and investigations necessary for the proper, efficient and judicious exercise of such power. Granting licenses to Road or Bridge Companies.
- Nineteenthly.** For taking stock in or lending money to any Incorporated Road or Bridge Company to which such Municipal Council shall have granted a license, to proceed with such work in accordance with the requirements of the Statute in that behalf, or in or to any other such Incorporated Road or Bridge Company in whose road or bridge the inhabitants within the jurisdiction of such Municipal Council shall in the opinion of such Municipal Council be sufficiently interested to warrant them in taking such stock or lending such money for the advancement of such enterprize; all dividends, interests and proceeds to arise or be received from such stock or loan being at all times applicable to the general purposes of such Municipal Council, and to go in reduction of the rates required to be levied for such purposes. Taking Stock in Road or Bridge Companies.
- Twentiethly.** For the imposing fines not exceeding in any case ten pounds, currency, for the breach of all or any of the By-laws or Regulations of such Municipal Council. As to Dividends, interest, &c.
- Twenty-firstly.** For borrowing under the restriction and upon the security hereinafter mentioned, all such sums of money as shall or may be necessary for the execution of any County work within their jurisdiction and the scope of the authority by this Act conferred upon them. Fines.
- Twenty-firstly.** For borrowing under the restriction and upon the security hereinafter mentioned, all such sums of money as shall or may be necessary for the execution of any County work within their jurisdiction and the scope of the authority by this Act conferred upon them. Borrowing moneys.

Levying moneys

Twenty-secondly. For raising, levying, collecting and appropriating such moneys as may be required for all or any of the purposes aforesaid, either by way of tolls to be paid on any County Bridge, road or other public work, to defray the expense of making, repairing or maintaining the same, or by means of a rate or rates to be assessed equally on the whole rateable property of such County liable to assessment, according to any law which shall be in force in Upper Canada concerning Rates and Assessments.

Repealing or amending By-laws.

Twenty-thirdly. For the repeal, alteration or amendment from time to time of all or any of such By-laws, and the making others in lieu thereof as to them may seem expedient for the good of the inhabitants of such County.

III. POLICE VILLAGES.

County Municipal Councils may define limits of villages &c.

XLII. And be it enacted, That it shall and may be lawful for the Municipal Council of any County, by By-law to be passed upon the petition of any number of the inhabitants of any unincorporated Village or Hamlet, situate in such County, or for the Municipal Councils of any two or more Counties, upon any such petitions from the inhabitants of any unincorporated Village or Hamlet situate partly within one of such Counties and partly within another or others of them, to define the limits within which in respect to such Village or Hamlet there is, in the opinion of such Municipal Council or Municipal Councils, a resident population sufficient to make it expedient that the provisions of this Act for the regulation and Police of unincorporated Villages should be applied to such Village or Hamlet, and in every such By-law such Municipal Council or Councils, shall fix the place in such Village or Hamlet, where the first annual election of Police Trustees, under the authority of this Act, shall be held for such Village, the person who shall preside at such meeting, and the hour at which such meeting shall be opened for that purpose.

And fix place of first election, &c.

Meeting for election of Police Trustees.

XLIII. And be it enacted, That on the second Monday in January next after the end of three calendar months from the passing of such By-law or By-laws, as the case may require, and annually, on the second Monday of January in each and every year thereafter, until such Village shall be incorporated under the provisions of this Act, it shall and may be lawful for the resident freeholders and householders of such unincorporated Village to assemble at the time and place appointed for that purpose, and to proceed to elect from among themselves three Police Trustees for such Village, which three Trustees, or any two of them, by a Memorandum in writing under their hands to be filed with the Township Clerk of the Township in which such Village is situate, or when such Village is situate within two or more Townships, then to be filed with the Township Clerk of some one of such Townships, shall within a reasonable time after the election, nominate and appoint one of their number to be the inspecting Trustee of such Village.

Appointment of Inspecting Trustee.

Township Collector to deliver a copy of the roll of freeholders and householders to the person presiding at the election.

XLIV. And be it enacted, That it shall be the duty of the Collector and Collectors of the Township or Townships within which such unincorporated Village shall be situate, whether appointed under this Act or before the passing thereof, to deliver to the person appointed to preside at any such election, or to any person by him appointed to receive the same, a fair copy of the Collector's Roll made up next before such election, so far as such Roll contains the names of the resident freeholders and householders of such unincorporated Village, with the amount for which they shall be assessed upon such Rolls; which copy shall be verified by affidavit or affirmation appended to, or endorsed upon such copy, and sworn or affirmed before any Justice of the Peace for the County, to the effect, that the same is a true copy of such Roll, so far as

Attestation of such copy.

relates to the unincorporated Village for which such election is to be held, and that it includes the names of all the resident freeholders and householders in such unincorporated village, and the amount for which they shall have been assessed as entered upon such Roll, and the persons entitled to vote or be elected at such election shall be those whose names are upon the said Roll or Rolls thus verified, and who shall continue at the time of the election to be resident in such Village: Provided always, firstly, that the holder or occupier of any separate portion of a house having a distinct communication with a road or street, by an outer door shall be considered a householder within the meaning of this Act in case he shall be assessed therefor, as a house upon such Collector's Roll or Roll's as aforesaid: And provided also, secondly, that no person shall be qualified to be elected at any such election of Trustees who shall not have been entered upon such Roll or Rolls as aforesaid, for rateable property held in his own right or that of his wife as proprietor or tenant, to the value of one hundred pounds of lawful money of Canada.

Proviso as to
Tenants of parts
of houses.

Proviso as to
qualification of
electors.

XLV. And be it enacted, That at every subsequent annual election of Police Trustees for such unincorporated Village after the first, the person to preside at such election, and the hour at which the same shall commence, shall be appointed by the Trustees for the preceding year or any two of them under their hands, of which due notice shall by them be given by written or printed notices thereof, to be put up in at least three of the most public places in such unincorporated Village.

Appointment of
persons to pre-
side at annual
elections.

XLVI. And be it enacted, That if at the time and place appointed for any first or subsequent election of Trustees, for any such unincorporated Village, the person appointed to preside thereat shall not attend within one hour after the time appointed for commencing the proceedings, the resident inhabitant freeholders and householders of such Village, or a majority of them may, if they think proper, proceed to nominate a person to preside at such meeting, and the election of Trustees for such year shall be held by such person, as if he had been the person appointed by the Municipal Council of the County or by the Trustees for the preceding year as aforesaid.

Provision in case
of absence of
person appointed
to preside at
election.

XLVII. And be it enacted, That upon the happening of any vacancy by death or otherwise, amongst the Police Trustees of any such unincorporated Village in the course of the year for which they shall have been elected, it shall and may be lawful for the remaining Trustee or Trustees by a memorandum in writing, to be filed with such Township Clerk as aforesaid, to supply such vacancy by the appointment of Trustees or a Trustee in their or his place, which Trustees or Trustee so appointed, shall hold his office to the end of the term of office of the person in whose place he shall have been appointed, and no longer, and shall, during the time he shall hold the same, possess all the authority of such person.

Provision in case
of vacancy
among the Police
Trustees.

XLVIII. And be it enacted, That any Inspecting or other Trustee of any of the said unincorporated Villages, who shall wilfully neglect or omit to fulfil any of the duties hereby imposed upon him, or to prosecute any offender against the Regulations of Police hereinafter established, for such unincorporated Villages, at the request of any inhabitant householder, offering to adduce proof of the offence, shall, on being thereof convicted in manner hereinafter provided, incur a penalty of twenty shillings, currency.

Penalty against
Trustees for
neglect of duty.

XLIX. And be it enacted, That the penalties prescribed in and by the next immediately preceding section of this Act, or under that for the establishment of Regulations of Police for such unincorporated Villages, shall be sued for within ten days after the offence for which they shall have been incurred shall have ceased, and not afterwards.

Penalties to be
sued for within
a certain time.

Penalties to be
sued for and
recovered by
Inspecting
Trustee.

L. And be it enacted, That all penalties incurred by any person or persons, under any of the Regulations of Police, by the next succeeding section of this Act, established for such unincorporated Villages, shall be sued for and recovered by the Inspecting Trustee of Police of such Village, or in his absence, or when he shall be the party complained against, then by some other of such Trustees before any one Justice of the Peace having jurisdiction and residing within five miles of such Village, if any there be, or else before any other Justice of the Peace having jurisdiction as such, in such Village, who shall hear and determine such information in a summary manner, and upon the oath or affirmation of one or more credible witnesses, and shall cause such penalty to be levied by distress and sale of the goods of the offender; and the whole of such penalty shall be applied to the repairs and improvement of the streets and lanes of such Village, under the direction of the Police Trustees thereof, and by the Pathmaster or Pathmasters of the division or divisions to which such Village shall belong, to whom or such of them as shall be appointed by such Trustees for that purpose, such penalty shall be paid over for that purpose.

How levied.

How applied.

Police regulations to be enforced with respect to—

LI. And be it enacted, That it shall be the duty of the Police Trustees of every such unincorporated Village to execute and enforce, and cause to be executed and enforced, within the limits of such Village, the Regulations of Police herein and hereby provided and established for all such Villages, that is to say :

Ladders on
roofs;

Firstly. All and every the proprietors and proprietor of a house or houses of more than one story in height, in any of the said Villages, shall place or cause to be placed a ladder or ladders on the roof of their respective houses, near to or adjoining the chimney or chimneys thereof, and another ladder reaching from the ground to the roof of each and every of their respective houses as aforesaid, under the penalty of five shillings currency, for every neglect so to do, and of ten shillings currency, for each and every week during which they shall neglect to provide themselves with such ladder or ladders as aforesaid.

Buckets ;

Secondly. All and every householder or householders in the said Villages shall be held to furnish and provide himself or themselves with two buckets, fit and proper for carrying water, in case of accidents by fire, under the penalty of five shillings currency, for each bucket which may be deficient.

Bakers, Brew-
ers, &c.

Thirdly. It shall not be lawful for any baker, potter, brewer, manufacturer of pot and pearl ashes, or any other person, to build, make or cause to be built and constructed, any oven or furnace within the limits of any of the aforesaid Villages, unless the same adjoin and be properly connected with a chimney of stone or brick, which chimney shall rise at least three feet higher than the house or building in which the said oven or furnace may be, and three feet higher than any building within one chain of the said oven or furnace, under a penalty which shall not exceed ten shillings currency, and for non-compliance with this regulation, the offender shall incur a penalty of fifteen shillings currency, for each week during which he shall neglect to comply therewith.

Stove pipes ;

Fourthly. It shall not be lawful for any person in any of the said Villages to conduct any stove pipe through any wooden or lathed partition or through any floor, unless there be a space of six inches between the pipe and the partition or floor, or the nearest wood-work, and the pipe of every stove shall be inserted into a chimney, and there shall be left at least ten inches in the clear between any stove and any wooden or lathed partitions, or other wood-work, and each and every person offending against this regulation shall incur a penalty of ten shillings currency.

Fifthly. Any person or persons who shall enter into any mill, barn, out-house or stable within the limits of any of the said Villages with a lighted candle or lamp, without having the same well inclosed in a lantern, shall for every such offence incur a penalty of five shillings currency, and any person or persons who shall enter into any mill, barn, stable or out-house, within the limits of any of the said Villages, with a lighted pipe or cigar, or carry fire not properly secured into such barn, stable, or out-house, shall for every such offence incur a penalty of five shillings currency.

Entering certain places with candles, &c.

Sixthly. No person or persons shall be allowed to light or have a fire in any wooden house or out-house, of any description, within the limits of any of the said Villages, unless the same be in a brick or stone chimney, or in a stove of iron or other metal, under a penalty of five shillings currency, for each offence.

Lighting fires in wooden houses, &c.

Seventhly. All and every person or persons who shall carry or convey fire into or through any street, lane, yard, garden or place, in any of the said Villages or cause fire to be so carried or conveyed without having the same confined in some copper, iron, or tin vessel, shall for every such offence, incur a penalty of two shillings and six-pence currency, and for every subsequent offence of a like nature, a further penalty of five shillings currency.

Using vessels for conveying fire ;

Eighthly. Any person or persons who shall put or cause to be put or placed any hay, straw or fodder, in any dwelling house, within the limits of any of the said Villages, shall incur a penalty of five shillings currency for the first offence, and a penalty of ten shillings currency for every week during which he or she shall neglect to remove the said hay or straw from the said dwelling house.

Hay, Straw, &c., in dwelling houses ;

Ninthly. All and every person or persons who shall keep or have gun-powder for sale, in any of the said Villages, shall keep the same in boxes of copper, tin or lead ; and for every omission or neglect so to do, such person or persons shall incur a penalty of twenty shillings for the first offence, and forty shillings for every subsequent offence.

Keeping of Gun-powder ;

Tenthly. Any person or persons in any of the said villages, who shall sell or permit gun-powder to be sold at night in his or their houses, store-houses or shops, out-house or other building, shall on being thereof convicted, incur a penalty of forty shillings currency for every first offence, and of sixty shillings currency, for every subsequent offence.

Sale of Gun-powder at night ;

Eleventhly. Any person or persons who shall in any of the said Villages keep or deposit any ashes or cinders of any kind, (ashes in the possession of manufacturers of pot and pearl ashes excepted,) in any wooden vessel, box or other thing not lined or doubled with sheet iron, tin or copper, so as to prevent all danger of fire or combustion from such ashes or cinders, shall for every such offence incur a penalty of five shillings currency.

Deposit of Ashes, &c.

Twelfthly. Any person or persons who shall in any of the said Villages place or deposit any quick or unslacked lime in any house, out-house or building, so that such lime may be in contact with or touch any wood thereof, whereby there may be any danger of fire or combustion, shall for every such offence incur a penalty of five shillings currency, and a further penalty of ten shillings currency, for each day until such lime shall be removed or secured, to the satisfaction of such Inspecting Trustee, and in such manner as not to cause any danger of accident by fire.

Quick lime ;

Thirteenthly. Any person who shall light a fire in any of the streets, lanes, or public places of any of the said Villages, shall for every such offence incur a penalty of five shillings currency.

Lighting fires in streets ;

Charcoal furnaces ;

Fourteenthly. No person or persons shall erect or cause to be erected any furnace for making charcoal of wood within the limits of any of the said Villages, under a penalty of twenty shillings currency.

Fifth, Rubbish, &c.

Fifteenthly. All and every person or persons who shall throw or cause to be thrown any filth, rubbish or ordure, into any of the streets, lanes, or public places within the limits of any of the said Villages, shall, for every such offence, incur a penalty of two shillings and six pence currency and of five shillings currency for every week during which they shall neglect to remove the same, after notification to that effect by the Inspecting Trustee, or some other person authorized by him for that purpose.

IV. INCORPORATED VILLAGES.

Inhabitants of Villages mentioned in Schedule A. incorporated.

LII. And be it enacted, That the inhabitants of every Village in Upper Canada, mentioned in the Schedule to this Act annexed marked A, and intituled, "Incorporated Villages," and the inhabitants of each and every other Village, Hamlet or place which shall hereafter by Proclamation under the Great Seal of this Province be erected into an Incorporated Village in the manner prescribed by this Act, shall be a Body Corporate apart from the Township or Townships in which such Village shall be situate, and as such shall have perpetual succession and a Common Seal, with such powers within the limits of such Village as are by this Act conferred upon the inhabitants of the different Townships in Upper-Canada within the limits of such Townships respectively, and the powers of such Corporation shall be exercised by, through, and in the name of the Municipality of such Village.

Corporate powers.

Election of Township Councillors, &c.

LIII. And be it enacted, That on the first Monday in January in each year, and in case of Villages hereafter to be erected and incorporated by Proclamation as aforesaid on the first Monday in January next after the end of three calendar months from the *teste* of such Proclamation, and on each succeeding first Monday in January thereafter, there shall be held an election by voters qualified in like manner with the voters at elections of Township Councillors, for five Councillors for each of such Villages ; and a Townreeve for each of the said Villages shall be thereafter elected from amongst the Councillors of such Village, in like manner as Townreeves are appointed by this Act to be chosen or elected for every Township as aforesaid.

Election of a Townreeve.

Appointment of Returning Officer.

LIV. And be it enacted, That in each of the said Villages which has been heretofore incorporated, whether under the name of Town or Village, or for which there have been Police Trustees appointed, the Clerk of the Board of Police or Town Clerk, or the Inspecting Trustee, as the case may be, shall be the Returning Officer for the first election to be held under this Act, and at each succeeding election the Village Clerk of such Village, for the time being, shall be the Returning Officer.

Case in which the Governor may appoint a Returning Officer.

LV. And be it enacted, That in case of an election in any Village where there shall not have been a Clerk of the Board of Police or a Town Clerk, or an Inspecting Police Trustee, or which shall not have been before incorporated, it shall and may be lawful for the Governor of this Province to appoint a Returning Officer to hold the first election for such Village under this Act.

Places of holding election, and notice thereof.

LVI. And be it enacted, That the Returning Officer for every such Village shall appoint the place for holding such Village election, of which appointment he shall give notice, by posting the same at least ten days before the election, in at least three public places in such Village.

Returning Officers to procure copy of Collector's Roll.

LVII. And be it enacted, That it shall be the duty of the Returning Officer, for each of the said Villages, to procure a correct copy of the Collector's Roll for such Village or of the Rolls for Rolls for the

Township in which such Village is situate, so far as such Rolls or either of them exhibit the names of the freeholders and householders rated upon such Roll or Rolls within the limits of such Village, with the amounts for which they shall be respectively assessed upon such Roll or Rolls, each of which said copies shall be verified in like manner as the copies of Collectors' Rolls produced at the Township Elections, as hereinbefore provided: Provided always, that no person shall be qualified to be elected as a Village Councillor who shall not be possessed, to his own use, of real estate held by him in fee or freehold, or for a term of twenty-one years or upwards, of which at least seven years remain unexpired, situate within the Village for which he is elected, of the assessed value of two hundred and fifty pounds, or unless he shall be a tenant from year to year, or for a term of years, of all property within such Village, at a *bonâ fide* rental of twenty pounds per annum or upwards, or shall be in the receipt of twenty pounds or upwards of yearly rent or profit accruing from or out of real property within such Village; and the male inhabitants being either freeholders or householders upon such Roll or Rolls and resident at the time of the election, and who shall appear in the said Roll or Rolls to have been assessed either as proprietor or tenant for a house or houses, or for land or for both, to the value of twelve pounds ten shillings currency, within the limits of such Village, and none other, shall be entitled to vote at such Village election.

Proviso: who may be elected or vote as an elector.

LVIII. And be it enacted, That when and so often as any Police or other Village Hamlet or place in Upper Canada not incorporated by name under this Act, together with the immediate neighbourhood thereof, shall be found by the Census Returns for the same to contain over one thousand inhabitants whose residences are or shall be collected within a convenient neighbourhood or proximity to each other, to form an Incorporated Village, it shall and may be lawful for the Police Trustees of such Village, if the same shall be a Police Village, or for any number of resident freeholders or householders of such Village, Hamlet or place, in case it shall have no Police Trustees, not less than one hundred, to petition the Governor of this Province that such Village, Hamlet or place may be erected into or set apart as an Incorporated Village, and the inhabitants thereof incorporated under this Act; and upon such petition, it shall be lawful for the Governor of this Province, by an Order in Council, to issue a Proclamation under the Great Seal of this Province erecting or setting apart such Village, Hamlet or place into or as an Incorporated Village, by a name to be given in and by such Proclamation, and to set forth in such Proclamation proper boundaries for such Village, including within such boundaries any portion of the Township or Townships which, from the proximity of streets or buildings therein, may conveniently be attached to such Village, Hamlet or place, and when such Village shall have grown up on the confines of two or more Counties, so as to lie partly within the limits of each, to annex the whole of such Village as incorporated to some one of such Counties exclusively; and the inhabitants of such Village shall, on, from and after the first day of January next after the end of three calendar months from the *teste* of such Proclamation, be incorporated, and the said Village shall become an Incorporated Village apart from the Township or Townships in which it is situate, and the first election for such Village shall be held in the manner hereinbefore prescribed on the first Monday in that month, and such Village shall from thenceforth form a part of the County to which it shall have been so annexed as aforesaid, and shall be subject to the same regulations and provisions of Law, and shall have the same immunities and privileges as a Village named in the said Schedule to this Act annexed marked A, as fully as if such Village had been mentioned therein,

Provision with respect to the incorporation of Villages in which the population shall increase to a certain number

Petition to the Governor.

Action upon such Petition.

Incorporation and corporate powers.

Duties and liabilities of Municipalities of incorporated Villages to be similar to those of Township Municipalities.

LIX. And be it enacted, That the Municipality of every such Village shall be formed in like manner as the Municipality of any Township, and shall have all such powers, duties and liabilities within and in respect of such Village as the Municipality of any Township shall have in respect of such Township, and the Townreeve of every such Village, and the other Officers thereof, shall have like powers, duties and liabilities within and in respect thereof as the Townreeve or other Officers of any Township shall have within and in respect of such Township, and the Townreeve of each of such Villages shall be a Member of the Municipal Council of the County in which the same is situated.

Village Municipalities may also make By-laws for—

LX. And be it enacted, That the Municipality of each Village, which shall be or remain incorporated under the authority of this Act, shall moreover have power and authority to make By-laws for each or any of the following purposes, that is to say :

Opening, &c., roads, &c.

Firstly. For the opening, constructing, making, levelling pitching, raising, lowering, gravelling, macadamizing, planking, paving, flagging, repairing, planting, improving, preserving and maintaining any new or existing highway, road, street, square, side-walk, crossing, alley, lane, bridge or other communication, or any public wharf, dock, slip, drain, sewer, shore, bay, harbour, river or water and the shores and banks thereof within the jurisdiction of the Corporation of such Village, and for the entering into, performing and executing any arrangement or agreement with the Municipal Corporation of the County or Counties in which such Village may lie for the execution of any such work at the joint expense and for the joint benefit of the Municipal Corporations of such County or Counties, and of such Village and the people they represent ; and for the stopping up, pulling down, widening, altering, changing or diverting of any such highway, road, street, bridge, or communication within the same : Provided always, nevertheless, that no such new, widened, altered, changed or diverted highway, road, street, side-walk, crossing, alley, lane, bridge, or other communication, shall be laid out so as to run through or encroach upon any dwelling house, barn, stable, or out house, or any orchard, garden, yard or pleasure ground, without the consent in writing of the owner thereof.

Proviso as to encroachments on private property of certain kinds.

Regulating Highways, &c.

Secondly. For regulating or preventing the encumbering, injuring or fouling of any such highway, road, street, square, side-walk, crossing, alley, lane, bridge or other communication, and of any such wharf, dock, slip, drain, sewer and shore, bay, harbour, river or water by any animals, wheel-barrows, cabs, carts, carriages or other vehicles, vessels, craft, lumber, stone, building or other materials or things whatsoever, or in any other manner whatsoever.

Removing steps, projections, &c.

Thirdly. For directing and requiring the removal at any time of any door-steps, porches, railings or other erections, projections or obstructions whatsoever which may project into or over the boundary lines of any such highway, road, street, square, sidewalk, crossing, alley, lane, bridge or other communication, or of any such wharf, dock, slip, drain, sewer, shore, bay, harbour, river and water, or the shores and banks thereof, at the expense of the proprietor or occupant of the real property in or near which such projection or obstruction may be found.

Fixing boundary lines of Highways, &c.

Fourthly. For surveying, by competent persons, and fixing, marking, determining and settling the boundary lines of such highways, roads, streets, squares, alleys, lanes, bridges or other communications, and of all such public wharves, docks and slips, for giving names to the same, and affixing such names on boards or otherwise on the houses at the corners of the same.

Granting money Counties by

Fifthly. For granting to the County or Counties in which such Village shall be situate, by way of loan, or otherwise, such sum or sums of

money, in aid of such other moneys as may be raised by the Municipal Corporation of such County or Counties, or by voluntary subscriptions, for or towards the making, opening, or erecting of any new road or bridge on the bounds of such Village. loan or otherwise.

Sixthly. For regulating and managing any existing market, and for establishing, regulating, and managing any new market, for preventing the selling or vending by retail in the public highways any meat, vegetables, fruit, cider, beer or other beverage whatsoever; for regulating the place and manner of selling and weighing butchers' meat, hay, straw, fodder, wood, lumber and fish; for restraining and regulating the purchase and manner of selling all vegetables, fruit, country produce, poultry, and all other articles or things, or animals exposed for sale, or marketed in the open air; for preventing the forestalling, regrating or monopoly of market grains, meats, fish, fruits, roots and vegetables; for restraining and regulating the purchase of any such things by hucksters or runners living within such Village or within one mile distant from the outer limits thereof; for regulating the measurement, length and weight of coal, lime, shingles, laths, cordwood and other fuel; and for imposing penalties for light weight, or short count or measurement in any thing marketed; for appointing Inspectors for regulating weights and measures in the markets, and within such Village according to the lawful Standard, and for visiting all places wherein weights and measures, steelyards or weighing machines of any description are used within such Village, and for seizing and destroying such as are not according to such Standard; and for imposing and enforcing the collection of penalties upon any person or persons therein who shall be found in the possession of unstamped or unjust weights, measures, steelyards or other weighing machines, for regulating all vehicles, vessels and other things in which any thing may be exposed for sale or marketed in any highway, street or public place, and for imposing a reasonable charge or duty thereon, and establishing the mode in which it shall be paid; for seizing and destroying all tainted and unwholesome meat, poultry, fish, or articles of food; and for distraining butchers' meat for the rent of market stalls, and for selling the same after six hours' notice. Regulating markets, &c. Forestalling or monopoly, &c. Weights and Measures. Vehicles. Unwholesome meats.

Seventhly. For regulating any harbour lying within the limits of such Village, and the vessels, crafts and rafts arriving in it; for imposing and collecting such reasonable harbour dues thereon as may serve to keep such harbour in good order, and provide for the payment of a Harbour Master, and the erection and maintenance of the necessary beacons therein; for regulating and providing for the erection and rent of wharves, piers and docks in the said harbour, and for preventing the filling up or encumbering of any such harbour. Regulating harbours, &c. Harbour dues, Beacons, &c. Wharves, &c.

Eighthly. For regulating the assize of bread, and preventing the use of deleterious materials in the making thereof: and for providing for the seizure and forfeiture of bread baked contrary thereto. Assize of bread.

Ninthly. For enforcing the due observance of the Sabbath; for preventing vice, drunkenness, profane swearing, obscene language, and any other species of immorality and indecency in the streets or other public places, and for preserving peace and good order; for preventing the excessive beating or cruel and inhuman treatment of animals on the public highways of such Village; for preventing the sale of any intoxicating drink to children, apprentices or servants without the consent of their legal protectors; for suppressing and imposing penalties on the keepers of low tippling houses and houses of ill fame visited by dissolute and disorderly characters; for licensing and regulating victualling houses or other houses of refreshment where spirituous liquors are not sold; for the regulation of all public billiard tables, and for licensing Observance of Sabbath, preventing vice, &c. Cruelty to animals. Tippling houses, &c. Victualling houses &c.

regulating or preventing bowling alleys or other places of amusement ; for regulating or preventing, restraining or suppressing horse-racing and gambling houses, and for entering into them and seizing and destroying faro-banks, rouge-et-noir, and roulette-tables, and other devices for gambling ; for restraining and punishing all vagrants, drunkards, vagabonds, mendicants and street beggars, and all persons found drunk or disorderly in any street or public place in such Village ; for restraining or regulating the licensing of all exhibitions of natural or artificial curiosities, theatres, circuses, or other shows or exhibitions kept for hire or profit.

Public nuisances
&c.

Tenthly. For abating and causing to be removed all public nuisances ; for regulating the construction of privy vaults ; for causing vacant lots in central situations when they become nuisances to be properly enclosed ; for regulating or preventing the erection or continuance of slaughter houses, gas works, tanneries, distilleries or other manufactories or trades which may prove to be nuisances ; for preventing the ringing of bells, blowing of horns, shouting and other unusual noises in the streets and public places ; for preventing or regulating the firing of guns or other fire arms ; for preventing or regulating the firing or setting off of fire balls, squibs, crackers or fire-works ; for preventing or regulating the washing or bathing in any public water in or near such Village ; for preventing and punishing parties engaged in charivaries and other like disturbances of the peace ; for preventing any indecent public exposure of the person, or other indecent exhibition whatsoever ; for preventing profane swearing and the use of blasphemous, obscene or indelicate language.

Use of Firearms.

Bathing.

Charivaries, &c.

Obscene language, &c.

Lock-up houses,
&c.

Eleventhly. For establishing, maintaining and regulating one or more public lock-up-houses in and for such Village for the detention and imprisonment of all persons sentenced to an imprisonment of not more than ten days, under any of the By-laws of such Village, and of all other persons lawfully detained in custody for examination before a Justice of the Peace or other competent authority on any charge of having committed any offence against the Law or the By-laws of such Village, or detained for the purpose of his transmission to any common gaol or house of correction upon commitment or otherwise either for trial or in the execution of any sentence that may have been passed upon him, either by a Justice of the Peace or other competent authority in that behalf.

Public fountains,
&c.

Twelfthly. For the establishing, protecting and regulating of public fountains, wells, pumps, eisterns, reservoirs and other conveniences for the supply of good and wholesome water or for the extinguishment of fires, and to make reasonable charge for the use thereof ; and for preventing the waste and fouling of public water.

Gunpowder, &c.

Thirteenthly. For regulating the keeping and transporting of gunpowder and other combustible or dangerous materials ; and for erecting, regulating and providing for the support by fees of a Village Magazine for the storing of gunpowder belonging to private parties, and for compelling persons to store therein ; for preventing or regulating the use of fire, lights, or candles in livery or other stables, cabinet-makers and carpenters' shops, and combustible places ; for preventing or regulating the carrying on of manufactories or trades dangerous in causing or promoting fire ; and for regulating the mode of removal and requiring the safe keeping of ashes in proper deposits ; for regulating, removing or preventing the construction of any chimney, flue, fire-place, stove, oven, boiler or other apparatus or thing in any house, manufactory or business which may be dangerous in causing or promoting fire ; for regulating the construction of chimnies as to the dimensions and thickness, and

Fire in certain
places.

Ashes,

Chimnies.

the carrying of the same to a proper height above the roofs of buildings, and for enforcing the proper sweeping or cleaning of the same by licensed or other chimney sweepers; for guarding against the calamities of fire by regulating and enforcing the erection of party walls; for compelling the owners and occupants of houses to have scuttles in the roofs, and stairs and ladders leading to the same, and for authorizing the Officer to be appointed for that purpose to enter at all reasonable times or hours upon the property of any party subject to such regulations for the purpose of ascertaining that the same are properly obeyed; for requiring the inhabitants of such Village to provide so many fire-buckets, in such manner and time as they shall prescribe, and for regulating the examination of them and the use of them at fires; for regulating the conduct and enforcing the assistance of the inhabitants present at fires, and the preservation of property thereat; for making regulations for the suppression of fires and the pulling down or demolishing of adjacent houses, buildings or other erections for that purpose; for purchasing and establishing and regulating Fire, Hook, Ladder and Property Saving Companies; for providing medals or rewards for persons who shall distinguish themselves at fires, and for assisting the widows and orphans of persons who may be killed by accidents occurring at such fires.

Party walls.

Ladders.

Fire Buckets,
&c.

Fire Companies.

Fourteenthly. For entering into and examining all dwelling houses, warehouses, shops, yards and outhouses, for ascertaining whether any such places are in a dangerous state, with respect to fire or otherwise, and for directing them to be put in a safe and secure condition; for appointing fire wardens and fire engineers; for appointing and removing firemen; for making such rules and regulations as may be thought expedient for the conduct of such Fire Companies, Hook and Ladder Companies and Property Saving Companies as may be raised with the sanction of the Corporation of such Village.

Examining
dwelling houses,
&c., with respect
to danger from
fire.

Fifteenthly. For providing for the health of the village and against the spreading of the contagious or infectious diseases; for regulating the interment of the dead, and for directing the returning and keeping of bills of mortality; and for imposing penalties on physicians, sextons and others for default in the premises; and for providing and regulating one or more Public Cemeteries for the interment of the dead.

Health of the
Village, &c.Bills of mor-
tality, &c.

Sixteenthly. For laying out, improving and regulating any Public Cemetery for the burial of the dead that they may obtain and establish for such Village, and for selling or leasing such portions thereof as they may think proper, and for declaring in the conveyance thereof to the purchasers or lessees, the terms on which such portions are to be held, and for making such other regulations for the improvement, ornament and protection of such Cemetery as they may think necessary and proper.

Public Ceme-
teries, &c.

Seventeenthly. For preventing the immoderate riding or driving of horses or cattle in any of the public highways or streets of such Village; and for preventing the leading, riding or driving of horses or cattle upon the side-walks of the streets of such Village, or other improper places therein.

Immoderate
driving &c.

Eighteenthly. For regulating or preventing the fishing with nets or seines, the use of fishing lights, or the erection or use of weirs for eels or other fish in any harbour, river or public water within the limits of the jurisdiction of the Corporation of such Village.

Fishing with
nets, &c.

Nineteenthly. For regulating inns, taverns, ale houses, victualling houses, ordinaries and all houses where fruit, oysters, clams, victuals or spirituous liquors, or any other manufactured beverage may be sold, to be eaten or drank therein, and all other places for the reception and entertainment of the public within the jurisdiction of the Corporation of such Village, and to limit the number of them, and in all cases when there exists no other provision by law for the licensing of such houses,

Inns, Taverns,
&c.Licensing in
certain cases.

to provide for the proper licensing of the same, at such rates as to the Corporation of such Village may seem expedient, the proceeds of such license, in cases not otherwise appropriated by law, to form part of the public funds of such Village, and to be disposed of as the said Corporation may consider advisable.

Injuring of
Trees, &c.

Twentiethly. For preventing the injuring or destroying of trees planted or growing for shade or ornament in such Village, and for preventing the pulling down or defacing of sign boards.

Borrowing
moneys.

Twenty-firstly. For borrowing under the restrictions, and upon the security hereinafter mentioned, all such sums of money as shall or may be necessary for the execution of any village work within the jurisdiction and the scope of the authority by this Act conferred upon them.

Levying
moneys.

Twenty-secondly. For raising, levying and appropriating such moneys as may be required for all or any of the purposes aforesaid, by means of a rate or rates to be assessed equally on the whole rateable property of such Village, according to any law which shall be in force in Upper Canada, concerning rates and assessments.

By-laws for carrying their Corporate powers into execution.

Twenty-thirdly. For making all such other By-laws as may be necessary and proper for carrying into execution the powers herein vested or hereafter to be vested in the Corporation of such Village, or in any Department or Office thereof, for the peace, welfare, safety and good government of such Village, as they may from time to time deem expedient, such By-laws not being repugnant to this or any other Act of the Parliament of this Province or of the Parliament of Upper-Canada, or to the general laws of that part of this Province: Provided always, nevertheless, firstly, that no person shall be subject to be fined more than five pounds, exclusive of costs, or to be imprisoned more than thirty days for the breach of any By-law or regulation of such Village: And provided also, secondly, that no person shall be compelled to pay a greater fine than ten pounds for refusing or neglecting to perform the duties of any Municipal office when duly elected or appointed thereto.

General provision as to By-laws.

Proviso as to fines.

Proviso

Repealing or amending By-laws.

Twenty-fourthly. For the repeal, alteration or amendment from time to time of all or any of such By-laws and the making others in lieu thereof as to them may seem expedient for the good of the inhabitants of such Village.

V. TOWNS.

Inhabitants of towns mentioned in Schedule B, &c., incorporated.

LXI. And be it enacted, That the inhabitants of each of the Towns mentioned in the Schedule to this Act annexed marked B, and intitled, "Towns," and the inhabitants of all such Villages in Upper Canada as shall be erected into Towns by and under any Proclamation to be issued in that behalf under this Act, shall severally be a Body Corporate, with the same Corporate powers as the inhabitants of Villages incorporated under this Act, except in so far as such powers may be hereby increased, lessened or otherwise modified; and such powers shall be exercised by, through and in the name of the Town Council of each of such Towns respectively.

Corporate powers.

How exercised.

Three Councillors to be chosen for every Ward.

LXII. And be it enacted, That for every Ward within the limits of any such Town, there shall be chosen three Councillors by the male resident freeholders and householders of such Ward.

Election when to take place.

LXIII. And be it enacted, That the elections for each of the said Wards shall take place on the first Monday in January in each year.

Appointment of Returning Officer.

LIV. And be it enacted, That the Municipality, Town Council or Board of Police in office in each of the said Towns or Villages when this Act shall come into force, or who shall be in office when the Proclamation shall issue, erecting such Village into a Town as aforesaid,

shall appoint a Returning Officer for each Ward, to hold the first election therein; and such Returning Officer shall fix the place for the said election, and give notice thereof by posting the same in at least three public places within his Ward, at least ten days next before the election; and that on the first Monday in January in every succeeding year, a like election shall be held, and the Returning Officers and places within each Ward for such elections shall be chosen and appointed by the Town Council in office next before such election, and public notice shall in like manner be given by such Returning Officer of the place of holding such election.

Place of election to be fixed.

Elections to be held yearly.

LXV. And be it enacted, That it shall be the duty of any person having custody of the Collector's Roll, including any Ward or portion of a Ward of any such Town, to furnish to the Returning Officer, and it shall be the duty of each Returning Officer, at least twenty days before any such election, to procure from such Officer having custody of the Collector's Roll or Rolls as aforesaid, a true copy thereof, so far as the same shall contain the names of the freeholders and householders within the Ward of such Returning Officer, with the amount for which they are respectively assessed upon such Roll, and every of which said copies shall be verified in like manner as the copies of the Collector's Rolls to be procured at the Township elections as hereinbefore provided: Provided always, that no person shall be qualified to be elected at such election, who shall not be seized to his own use of real estate held by him, in fee simple or in freehold, or for a term of twenty-one years or upwards, of which at least seven years remain unexpired, within the Town for which he is elected, of the assessed value of three hundred pounds, or unless he shall be a tenant from year to year or for a term of years, of real property, within such town, at a *bonâ fide* rental of forty pounds per annum or upwards, or shall be in the receipt of forty pounds or upwards of yearly rent or profit, accruing from or out of real property within such Town; and the Councillors aforesaid shall be chosen by the male inhabitants, being either freeholders or householders, who shall be entered on such Roll, and who shall continue to reside within such Ward at the time of the election, and who shall appear upon the said Roll to have been assessed either as proprietors or tenants for a house or for land, or for both, to the value of twenty-five pounds, and by none other.

Copy of Collector's roll to be furnished to Returning Officer.

Attestation of such copy.

Proviso: who may be elected or vote as electors.

LXVI. And be it enacted, That on the second Monday next after the said yearly election, the Councillors so elected in any Town shall meet and choose from amongst themselves a Mayor for such Town, who shall have the same powers within such Town as are hereinbefore vested in the Townreeve of a Village; and the Mayor and Councillors shall form the Council of such Town; and the said first meeting shall be held at the place where the Municipality, Board of Police or Town Council for such Town shall have held their usual meetings.

Election of Mayor.

Town Council constituted.

Meetings.

LXVII. And be it enacted, That the Council for such Town shall have all and singular the powers, duties and liabilities within and in respect of such Town which the Municipality of any Village incorporated under this Act may or can lawfully use or exercise therein.

Powers, &c., of Town Council.

LXVIII. And be it enacted, That the Gaol, Court House, and House of Correction of the County within the limits or on the borders of which every such Town shall be situate, shall be and continue to be the Gaol, Court House and House of Correction of such Town as well as of such County, and the Sheriff, Gaoler and Keeper of such County Gaol and House of Correction, shall be bound to receive and safely keep, until duly discharged, all persons committed thereto by any competent power or authority of such Town.

Provision with respect to Gaol, Court House, &c.

A Police Office established in each Town : when the Mayor shall preside at it.

Proviso as to holy-days.

Proviso with leave of the Mayor, another Magistrate may sit.

Appointment of Police Magistrates.

Salary.

Proviso : Police Magistrate not to be appointed except upon petition of the Corporation.

Police Magistrate may suspend Chief Constable.

Proviso as to temporary Chief Constable.

Offences against By-laws, &c., may be prosecuted before Police Magistrate or Mayor.

LXIX. And be it enacted, That there shall be in each of such Towns a Police Office, at which it shall be the duty of the Police Magistrate for such Town, or in his absence from sickness or other causes, or when there shall be no Police Magistrate for such Town, then it shall be the duty of the Mayor thereof to attend daily, or at such times and for such period as shall be necessary for the disposal of the business to be brought before him as a Justice of the Peace for such Town : Provided always, firstly, that no such attendance shall be required on Sunday, Christmas-day or Good Friday, or on any day appointed by Proclamation for a Public Fast or Thanksgiving, unless in cases of urgent necessity ; And provided also, secondly, that it shall and may be lawful for any Justice of the Peace having jurisdiction within such Town, at the request of the Mayor thereof, to sit for such Mayor at such Police Office, in every of which cases the required attendance of the said Mayor at such Police Office shall be dispensed with.

LXX. And be it enacted, That the Police Magistrates for the several Towns which shall be or remain incorporated as such under this Act shall be appointed by the Crown during pleasure ; and every such Police Magistrate shall be *ex officio* a Justice of the Peace in and for the Town for which he shall be appointed, and in and for the County within or on the borders of which such Town shall lie, and shall receive a salary of not less than one hundred pounds per annum, payable quarterly out of the Municipal funds of such Town : Provided always, nevertheless, that a Police Magistrate shall not in the first instance be appointed for any of such Towns, until the Corporation of such Town shall have communicated to the Governor-General of this Province, through the Provincial Secretary thereof, their opinion that such an Officer was required for the better conduct of the affairs of such Town and administration of justice therein.

LXXI. And be it enacted, That every such Police Magistrate shall have the power of suspending from the duties of his office any Chief Constable or Constable of the Town of which he is the Police Magistrate for any period in his discretion, and that immediately after such suspension, he shall report the same, with the cause thereof, if he deem such Chief Constable or Constable deserving of dismissal for the cause of such suspension, to the Town Council of such Town, and the Town Council thereof shall thereupon in their discretion dismiss such Chief Constable or Constable, or direct that he shall be restored to the duties of his office after the period of such suspension shall have expired, and during such suspension no such Chief Constable or Constable shall be capable of acting in his said office except by the express permission of the Police Magistrate of such Town in writing, nor shall such Chief Constable or Constable be entitled to any salary or remuneration for the period of such suspension : Provided always, that it shall be in the power of such Police Magistrate to appoint some fit and proper person to act as Chief Constable or Constable during the period of such suspension of any Chief Constable or Constable as aforesaid.

LXXII. And be it enacted, That all offences against the By-laws of any of the said Towns, and all penalties for refusal to accept or be sworn into office in such Towns, and all other offences over which one or more Justices of the Peace have or shall have jurisdiction, committed within any such Town, may be prosecuted and sued for, tried and recovered before the Police Magistrate of such Town, or when there shall be no Police Magistrate in such Town, then before the Mayor of such Town, such Police Magistrate or Mayor, as the case may be, acting, either alone or assisted by one or more Justices of the Peace for such Town, as the case may require ; and such Police Magistrate shall *ex*

officio be a Justice of the Peace for such Town, and it shall be his duty and that of the Justices for such Town to be the conservators of the peace in and for the same.

He shall be a J. P.

LXXIII. And be it enacted, That the Clerks of the Town Councils of the said Towns shall be Clerks of the Police Offices of such Towns, and perform the same duties and receive the same emoluments as now appertain to Clerks of Justices of the Peace in Upper Canada, unless by Act of the Town Councils of such Town another Officer be appointed for such purpose.

Who shall be Clerks of Police Offices.

Their duties.

LXXIV. And be it enacted, That there shall be in and for each of the Towns which shall be or remain incorporated as such under the authority of this Act, one Chief Constable, and one or more Constables for each Ward of such Town, who shall respectively hold their offices during the pleasure of the Town Council, but shall be liable to be suspended and dismissed as hereinbefore provided.

Appointment of Chief Constables, &c., to hold office during pleasure of Town Council.

LXXV. And be it enacted, That nothing in this Act contained shall be construed to limit the power of the Governor of this Province to appoint under the Great Seal thereof, any number of Justices of the Peace for any such Town.

Power of Governor as to appointment of J. P. not affected.

LXXVI. And be it enacted, That all oaths of Office of the Subordinate Officers of such Town, shall be taken before the Mayor or Police Magistrate thereof, or before any one of the Justices of the Peace for such Town, who are hereby authorized to administer the same.

Oath of Office of Subordinate Officers, before whom to be taken.

LXXVII. And be it enacted, That it shall and may be lawful for the Town Council of each of the said Towns, to select from among themselves one Townreeve, and when such Town shall have five hundred resident freeholders and householders on the Collector's Roll thereof, then also a Deputy-Townreeve for such Town, who shall be a Member of the Municipal Council of the County in which such Town is situate.

Appointment of Townreeve, and Deputy-Townreeve.

LXXVIII. And be it enacted, That the Town Council for each of the said Towns shall appoint three Assessors and one Collector for each Ward of the said Town, whose duty it shall be to make assessments and collect taxes within such Ward, in like manner as the Assessors and Collectors in the several Townships aforesaid are to perform the same duties in the said Townships respectively; Provided always, firstly, that none of the Town Councillors shall be eligible to be appointed to such offices; and provided also, secondly, that no person shall be appointed such Assessor, unless he shall be rated on the Collector's Roll for the year preceding his appointment, to the amount of three hundred pounds and upwards.

Appointment of Assessors and Collectors.

Proviso.

Proviso as to qualification.

LXXIX. And be it enacted, That whenever any Incorporated Village in Upper Canada, shall be found by the Census Returns to contain within its limits upwards of three thousand inhabitants, then upon petition of the Municipality of such Village, it shall and may be lawful for the Governor of this Province by an Order in Council to issue a Proclamation under the Great Seal of the Province erecting such Village into a Town, and including within the boundaries thereof any portion of the Township or Townships within which it may be situate, which from the proximity of streets or buildings thereon may conveniently be attached to such Town and dividing the said Town into Wards by appropriate names and boundaries; but no Town shall be so divided into less than three Wards, and none of such Wards shall have less than five hundred inhabitants; and such Town shall have an election by Wards on the first Monday in the month of January next after the end of three calendar months from the *teste* of such Proclamation; and such Town shall from thenceforth be subject to the same regulations and provisions of law, and shall have

Provision for the erection of an incorporated Village into a Town on certain conditions.

Number of Wards.

First election by Wards.

Privileges as a Town.

the same immunities and privileges as a Town named in the said Schedule to this Act annexed marked B, as fully as if such Town had been mentioned therein.

Town Council to be composed of Councillors elected for the different Wards: powers and duties.

LXXX. And be it enacted, That the Town Council of any such Town shall be composed of the Councillors elected by and for the different Wards of such Town, and shall have all such powers, duties and liabilities within and in respect of such Town as the Municipality of any Village shall have in respect of such Village; and the Mayor of such Town and the other officers thereof shall have the like powers, duties and liabilities respectively within and in respect thereof as the Town-reeves and other Officers of any Incorporated Village shall have within and in respect of such Village.

Power of Town Councils to make By-laws for—

LXXXI. And be it enacted, That the Town Council of each of the Towns, which shall be or remain incorporated under the authority of this Act, shall moreover have power and authority to make By-laws for each or any of the following purposes, that is to say :

Establishing Police.

Firstly. For establishing and regulating a Police for such Town; for establishing and regulating one or more Alms-houses and Houses of Refuge for the relief of the poor and destitute; for erecting and establishing and also providing for the proper keeping of any Work-house or House of Correction that may hereafter be erected in and for such Town; for regulating the erecting of buildings and preventing wooden buildings from being erected in thickly built parts of such Towns.

Work-house and house of correction.

Regulating erection of buildings.

Purchase of land for Industrial Farm, &c.

Secondly. For the purchase of such lands as they may deem necessary, for the purpose of an Industrial Farm for such Town, of not less than two hundred acres in extent within such convenient distance of such Town as they may deem expedient, and for erecting, or building thereon, such houses, buildings, yards and other inclosures as may be deemed proper for the purposes of such farm.

Lighting with gas, oil, &c.

Thirdly. For defraying out of the funds of such Town, if necessary, the expense of lighting the same or any part thereof with gas, oil or other substances, and the performing of any kind of work required for the purpose, and for obliging the proprietors or occupiers of real property to allow such work to be done, and such fixtures placed in or about their premises as may be necessary for that purpose; such work and fixtures to be done at the expense of such Town.

Livery stable licences, &c.

Fourthly. For regulating and licensing the owners of Livery Stables, Horses, Cabs, Hackney-coaches, Omnibusses, Carts and other Carriages used for hire in such Town, and for establishing the rates of pay or hire to be taken by the owners or drivers thereof, and for preventing runners, stage-drivers and others in the streets or public places from soliciting and teasing passengers and others to travel in any boat, vessel, stage or vehicle.

Public conveyances.

Assessments on real property for special improvements.

Fifthly. For assessing the proprietors of such real property in any such Town as may be immediately benefitted by such improvements, for such sum or sums as may at any time be necessary to defray the expense of making or repairing any common sewer, drain, flagging, posts or pavement in any public highway, street, square or place immediately opposite or near to such real property, and for regulating the time and manner in which such assessment shall be collected and paid.

Or for sweeping and watering streets, &c.

Sixthly. For raising, levying and appropriating at and upon the petition of two thirds or upwards of the freeholders and householders resident in any particular street, square, alley or lane of such town, such sum or sums of money as may be necessary to defray the expense of sweeping and watering such street, square, alley or lane by means of a special rate to be assessed equally on the whole rateable property in such street, square, alley or lane.

Seventhly. For borrowing under the restriction and upon the security hereinafter mentioned, all such sums of money as shall or may be necessary for the execution of any town work within their jurisdiction and the scope of the authority by this Act conferred upon them.

Borrowing
moneys.

Eighthly. For raising, levying and appropriating such moneys as may be required for all or any of the purposes aforesaid by means of a rate to be assessed equally on the whole rateable property in such Town according to any law which shall be in force in Upper Canada concerning rates and assessments.

Levying moneys.

Ninthly. For making all such laws as may be necessary and proper for carrying into execution the powers herein vested or hereinafter to be vested in the Corporation of such Town or in any department or office thereof, for the peace, welfare, safety and good government of such Town as they may from time to time deem expedient, such laws not being repugnant to this or any other Act of the Parliament of this Province, or of the Parliament of Upper Canada, or to the general laws of that part of this Province: Provided always nevertheless, firstly, that no person shall be subject to be fined more than five pounds, exclusive of costs, or to be imprisoned more than thirty days, for the breach of any By-law or regulation of such Town: And provided also, secondly, that no person shall be compelled to pay a greater fine than twenty pounds for refusing or neglecting to perform the duties of any Municipal office when duly elected or appointed thereto.

Making By-laws
for carrying into
execution
powers herein
vested, &c.

Proviso as to
fines, for breach
of By-laws.

For refusing
office.

Tenthly. For the repeal, alteration, or amendment, from time to time, of all or any of such By-law or By-laws, and the making others in lieu thereof, as to them may seem expedient for the good of the inhabitants of such Town.

Repealing or
amending of
By-laws.

VI. CITIES.

LXXXII. And be it enacted, That the inhabitants of each of the Cities mentioned in the Schedule to this Act annexed marked C, and intituled "Cities," and the inhabitants of all such Towns in Upper-Canada as shall from time to time, be erected into Cities by and under any Proclamation to be issued in that behalf under this Act, shall be Bodies Corporate with all the powers, privileges and immunities, duties and liabilities of the incorporated inhabitants of Towns as aforesaid, except in so far as such powers may be hereby increased, lessened or otherwise modified, and such powers shall be exercised by, through, and in the name of the Mayor, Aldermen and Commonalty of each of such Cities respectively.

Inhabitants of
Cities mentioned
in Schedule C
&c., incorporated.

Corporate
powers.

How exercised.

LXXXIII. And be it enacted, That for every Ward within the limits of any such City, there shall be chosen by the male resident freeholders and householders of such Ward, one Alderman and two Councillors for such Ward, for which purpose copies of the Collector's Rolls shall be furnished, verified and procured by the like persons and within the like times as is hereinbefore provided with respect to Towns; and the Common Council of each such City shall be formed of such Aldermen and Councillors in the same manner as the Town Council of any such Town shall have in and with regard to the same, and all the rules, regulations provisions and enactments contained in this Act, as applied to Incorporated Towns, by way of reference to those provided for Incorporated Villages or otherwise, shall apply to each of the said Cities: Provided always, firstly, that the Mayor of every such City shall be elected from among the Aldermen thereof; and provided always, secondly, that no person shall be qualified to be elected an Alderman for any such Ward who shall not at the time of the Election be seized, to his own use, of Real Estate held by him in fee simple, or in freehold, within the City for which he is elected or the liberties thereof, of the assessed value of

Election of one
Alderman and
two Councillors
for each Ward:
copies of Collec-
tor's rolls to be
furnished, &c.,
as in Towns.

Proviso: Mayor
to be elected from
among Alder-
men.

Proviso: qualifi-
cation of Alder-
men.

Proviso: qualification of Councillors.

Qualification of electors.

Provision with respect to the erection of incorporated Towns into Cities, on certain conditions.

New division into Wards.
First election, as a City.

Each incorporated City to be a County of itself for certain purposes.

Proviso: not to prevent County Municipal Councils to hold their sittings in Cities, &c.

Justice of the Peace of the County to have no jurisdiction within City.

Proviso: Quarter Sessions of the County may be held in City.

five hundred pounds, or unless he shall be a Tenant from year to year, or for a term of years, of Real Property within such City or the liberties thereof, at a *bonâ fide* rental of sixty pounds per annum or upwards, or shall be in the receipt of sixty pounds or upwards, of yearly rent or profit accruing from or out of Real Property within such City or the liberties thereof; and provided always, thirdly, that no person shall be qualified to be elected a Councillor for any such Ward, who shall not, at the time of his Election, be in like manner seized to his own use of like Real Estate, to the value of three hundred pounds, or unless he shall be a Tenant from year to year or for a term of years, of Real Property within such City or the liberties thereof, at a *bonâ fide* rental of thirty pounds per annum or upwards, or shall be in the receipt of thirty pounds or upwards of yearly rent or profit accruing from or out of Real Property within such City or the liberties thereof; and provided always, fourthly and lastly, that the Aldermen and Councillors aforesaid, shall be chosen by the male inhabitants being either freeholders or householders who shall be entered on such Roll and who shall continue to reside within such Ward at the time of the Election, and who shall appear upon the said Roll to have been assessed either as Proprietors or Tenants for a house or for land, or for both, to the value of fifty pounds, and by none other

LXXXIV. And be it enacted, That whenever any of the said Towns incorporated, or to be incorporated as aforesaid, shall be found by the census returns to contain more than fifteen thousand inhabitants, then, on petition from the Town Council of such Town, it shall and may be lawful for the Governor of this Province, by an Order in Council, to issue a Proclamation under the Great Seal of the Province, erecting such Town into a City, setting forth the boundaries of such City and of the liberties thereof respectively, with the portions of the liberties to be attached to each of such Wards respectively, and including within such boundaries any portion of the Township or Townships adjacent, which from the proximity of streets or buildings therein, or the probable future exigencies of such City, it may appear desirable in the opinion of the Governor in Council should be attached to such City or the liberties thereof; and to make new divisions of such City into Wards, in like manner as is provided in the case of the said Towns; and the first election in such place as a City shall take place on the first Monday of the month of January next, after the end of three calendar months from the *teste* of such Proclamation.

LXXXV. And be it enacted, That each of the Cities which shall be or remain incorporated as such under the authority of this Act, with the liberties thereof, shall, for all Municipal purposes, and such Judicial purposes as are herein or hereby specially provided for, but no other, be a County of itself: Provided always, nevertheless, that nothing herein contained shall prevent the Municipal Council of the County within or on the borders of the territorial limits whereof such County of a City shall lie, to hold their sittings, keep their public offices, and transact all their business and that of their officers and servants within the limits of such City or the liberties thereof, and to purchase and hold all such real property within such limits as may be necessary or convenient for such purposes or any of them.

LXXXVI. And be it enacted, That the Justices of the Peace in and for the County within or on the borders of which such City shall lie, shall as such neither have nor exercise any jurisdiction over offences committed within such City or the liberties thereof; any law or usage to the contrary thereof notwithstanding: Provided always, nevertheless firstly, that nothing herein contained shall be construed to prevent the General or Adjourned Quarter Sessions of the Peace for such County

being held within the limits of such City or the liberties thereof, and having and exercising all the jurisdiction and authority necessarily incident to the power of holding such Sessions; And provided always also, secondly, that nothing herein shall prevent or be construed to prevent the endorsement of Warrants as now provided for by law, nor to alter or interfere with the effect of such endorsement.

Proviso: with respect to endorsement of Warrants.

LXXXVII. And be it enacted, That from the time of the erection of any Town into a City, any and every Commission of the Peace that may have been issued for such Town shall cease and determine.

Commissions of the Peace to cease on erection of a City.

LXXXVIII. And be it enacted, That there shall be in and for each of the Cities which shall be or remain incorporated as such under the authority of this Act, besides a Chief Constable, as provided with respect to incorporated Towns as aforesaid, one High Bailiff, who shall be appointed annually by the Corporation of such City.

Chief Constable and High Bailiff to be appointed.

LXXXIX. And be it enacted, That it shall and may be lawful for the Corporation of any City which shall be or remain incorporated under authority of this Act, by act of Common Council, from time to time, as it may seem expedient, to erect any part of the liberties contiguous to such City, as their boundaries shall be at the time, into one or more outer Wards; and may from time to time, as it may seem expedient, alter and vary the boundaries of such outer Wards, or any of them, before they shall be annexed to the said City, as hereinafter provided.

Corporation may erect any part of the liberties into outer Wards, &c.

XC. And be it enacted, That so soon as it shall appear by the census of any such City, that any one of its outer Wards contains as many inhabitants as by the census first taken after the passing of this Act, or after the erection of such City, as the case may be, shall be found to be contained in the least populous of the Wards erected by this Act, or by the Proclamation erecting such City, and by the general Assessment Rolls of such City, that such outer Ward contains as much assessed property as by the first Assessment of the said City made after the passing of this Act, or after the issuing of such Proclamation as aforesaid, shall be found to be contained in the least wealthy of the Wards erected by this Act or by such Proclamation, it shall and may be lawful for the Mayor of such City, for the time being, and he is hereby required forthwith to issue a Proclamation, under the Seal of the said City, setting forth the same, and annexing such Ward to such City, calling it by such name as the Common Council thereof shall think fit.

Provision for annexing an outer Ward to the City, on certain conditions.

XCI. And be it enacted, That from the date of any such last mentioned Proclamation, such Ward shall cease to be a part of the liberties, and shall from thenceforth constitute a Ward of such City, and have incident to it, and its inhabitants every thing by this Act or any future Act of Parliament, or any act of Common Council, incident to the Wards of such City, or the inhabitants thereof in general, and every such Act shall extend to such Ward as it does or shall to the other Wards of such City in general; Provided always, that no Election for Charter Officers for any such Ward, shall take place until the general Election for such officers next ensuing the issuing of any such last mentioned Proclamation.

When an outer Ward is annexed it shall cease to form part of the liberties.

Proviso as to elections for such Ward.

XCII. And be it enacted, That the Gaol, Court House and House of Correction of the County within the limits or on the borders of which any such City shall be situate, shall be and continue to be the Gaol, Court House and House of Correction of such City, as well as of such County, until such City shall by Act of Common Council otherwise direct; and the Sheriff, Gaoler and Keeper of every such County Gaol and House of Correction shall be bound to receive and safely keep until duly dis-

Present Gaol, Court House, &c., to continue as such for City and County, until otherwise provided.

charged, all persons committed thereto by any competent power of authority of such City.

A Recorder's Court to be established for each City.

Who shall preside in it.

Jurisdiction of Recorder's Court.

Four Sessions in each year, and when.

Inhabitants of City and Liberties exempted from serving on certain Juries after a certain date.

Who shall be Grand Jurors for the Recorder's Courts, and how summoned.

Petit Jurors to be summoned by High Bailiffs.

Who shall be Grand and Petit Jurors.

Authority of Grand Juries.

XCIII. And be it enacted, That besides a Police Officer and Police Magistrate, as provided with respect to Incorporated Towns as aforesaid, and which shall have the like duties and powers in all respects in such City and the liberties thereof as is herein provided with respect to the Police Officers and Magistrates for incorporated Towns as aforesaid, there shall moreover be a Court of Record in each of the Cities, which shall be or remain incorporated as such under the authority of this Act, which Court shall be called the Recorder's Court of such City, and wherein the Recorder for the time being shall preside, assisted by one or more of the Aldermen of such City, or in the absence of such Recorder from sickness or other causes, or when there shall be no Recorder, the Mayor or one of the Aldermen of such City, to be elected by the Aldermen from among themselves, shall preside; and that such Court shall in all cases possess the like powers and have the like jurisdiction as to crimes, offences and misdemeanors committed in such City and the liberties thereof as the Courts of Quarter Sessions of the Peace now have or hereafter may have by Law in Upper-Canada, as to crimes, offences and misdemeanors committed within their local jurisdiction, as well as in all those matters of civil concern not belonging to the ordinary jurisdiction of a Court of Justice, as have been or may hereafter be by Law vested in such Courts of Quarter Sessions of the Peace.

XCIV. And be it enacted, That the said Recorder's Court shall hold four Sessions in each year, which Sessions shall commence on the second Monday in the months of January, April, July and October in each year.

XCV. And be it enacted, That the inhabitants of every such City erected or to be erected under the authority of this Act, and of the liberties thereof, at all times after the passing of this Act, or after the first day of January next after the end of the three calendar months from the *teste* of the Proclamation erecting such City, as the case may be, shall be exempt from serving on Juries at any other than the City Courts and the Courts of Assize and *Nisi Prius*, Oyer and Terminer and General Gaol delivery for the County within the limits or on the borders of which such City shall be situate.

XCVI. And be it enacted, That the Grand Juries of such Recorder's Courts shall consist of twenty-four persons to be summoned by the High Bailiffs of each of the said Cities, under precepts signed by the Recorders or Aldermen elected to sit for such Recorders, in the same manner as Grand Juries of the Quarter Sessions are now or hereafter may be by law summoned by the different Sheriffs in Upper Canada.

XCVII. And be it enacted, That the Panels of the Petit Jurors for such Courts shall consist of not less than thirty-six nor more than sixty Jurors to be summoned by the High Bailiffs of each of the said Cities, under precepts signed by the Recorders or Aldermen elected to sit for such Recorders in the same manner as Petit Jurors of the Quarter Sessions now are or hereafter may be by law summoned by the different Sheriffs in Upper Canada.

XCVIII. And be it enacted, That such persons only residing in the said Cities or the liberties thereof, shall be summoned to compose the Grand and Petit Juries of such Recorder's Courts as are at present or hereafter may be liable to be summoned as Grand and Petit Jurors respectively, in any Court of Upper Canada.

XCIX. And be it enacted, That the respective Grand Juries shall have all the power and authority over offences committed in the said

Cities and the liberties thereof which Grand Juries for the General Quarter Sessions of the Peace in Upper Canada now have or hereafter may have.

C. And be it enacted, That the like Process and Proceeding now had in the said General Quarter Sessions of the Peace in criminal cases, shall and may be used in the said Recorder's Courts when exercising criminal jurisdiction, and the like power to take recognizances and all other powers and duties incidental to such jurisdiction, and which the said Courts of General Quarter Sessions now or hereafter may possess by law, together with the powers granted by this Act, are hereby vested in the said Recorder's Courts as far as regards any offences, crimes and misdemeanors arising or committed within such Cities and the liberties thereof respectively.

Powers of Courts of Quarter Sessions vested in Recorder's Courts.

CI. And be it enacted, That upon the acquittal of any Defendant or Defendants in any of the said Recorder's Courts, the Recorder or presiding Alderman thereof, shall upon its appearing to the satisfaction of the said Court, that there was a reasonable and probable cause for such prosecution, order the costs thereof to be taxed by the Clerk of the said Court to be paid out of the City Funds.

On acquittal of a defendant, costs to be paid out of City funds, when there was reasonable cause for prosecution.

CII. And be it enacted, That every such Recorder shall have the power of suspending from the duties of his Office any High Bailiff, Chief Constable or Constable of the City of which he is the Recorder, for any period in his discretion, and that immediately after such suspension he shall report the same with the cause thereof, if he deem such High Bailiff, Chief Constable or Constable, deserving of dismissal for the cause of such suspension, to the Common Council of such City, and the said Common Council shall thereupon in their discretion, dismiss such High Bailiff, Chief Constable or Constable, or direct that he shall be restored to the duties of his Office after the period of such suspension shall have expired, and during such suspension no such High Bailiff, Chief Constable or Constable shall be capable of acting in his said Office except by the express permission of the Recorder of such City in writing, nor shall such High Bailiff, Chief Constable or Constable be entitled to any salary or remuneration for the period of such suspension: Provided always, that it shall be in the power of such Recorder to appoint some fit and proper person to act as High Bailiff, Chief Constable or Constable during the period of such suspension of any High Bailiff, Chief Constable or Constable as aforesaid.

Recorder may suspend High Bailiff, Chief Constable, &c., from their duties.

Proviso as to a Bailiff, &c. *pro tempore*.

CIII. And be it enacted, That the Clerks of the Common Councils of the said Cities shall be Clerks of the Recorders' Courts, and perform the same duties and receive the same emoluments as now appertain to the Clerks of the Peace in Upper Canada.

Who shall be Clerks of Recorder's Courts.

CIV. And be it enacted, That the Recorders for the several Cities which shall be or remain incorporated as such under the authority of this Act, shall be Barristers of Upper Canada of not less than five years' standing, and shall be appointed by the Crown during pleasure, and every such Recorder shall be *ex officio* a Justice of the Peace, in and for the City and Liberties thereof, for which he shall be appointed, and shall receive a salary of not less than two hundred and fifty pounds per annum, payable quarterly out of the Municipal Funds of such City: Provided always nevertheless, that a Recorder shall not in the first instance be appointed for any of such Cities until after the Corporation of such City shall have communicated to the Governor General of this Province, through the Provincial Secretary thereof, their opinion that such an Officer was required for the better conduct of the affairs of such City, and administration of justice therein.

Appointment and qualification of Recorders.

Proviso: not to be appointed except on petition of the Corporation.

Offices of Recorder and Police Magistrate may be vested in the same person.

Proviso as to salary in such case.

Powers of City Councils to be similar to those of Town Councils.

City Councils may make By-laws for—

Erection of a City Hall, Gaol, House of Correction, &c.

Regulating the erection of wooden buildings ;

Borrowing moneys.

Levying moneys by rate.

Carrying into execution powers vested in them.

Proviso as to fines for breach of By-laws ;

Or for not accepting office.

Repealing or amending By-laws. .

CV. And be it enacted, That it shall and may be lawful for any such Common Council in any such communication, to declare their opinion that the said offices of Recorder and Police Magistrate may be vested in the same person for some time thereafter, in every which case the same person shall be appointed to both of such offices, and the said offices shall remain united in such person and his successors until such Common Council shall have further communicated to the Governor General of this Province, their opinion that such offices should no longer continue united ; from which time the same shall be held separately : Provided always, that during the union of such offices the person holding the same shall not be entitled to any other than the salary herein provided for the office of Recorder.

CVI. And be it enacted, That the Common Council of such City shall have all and singular the powers and authority within such City and the Liberties thereof, which the Town Council of any Town incorporated under the authority of this Act, may or can lawfully use or exercise therein.

CVII. And be it enacted, That the Common Council of each of the Cities which shall be or remain incorporated under the authority of this Act, shall moreover have power and authority to make By-laws for each of the following purposes, that is to say :

Firstly. For erecting and establishing and also providing for the proper keeping of a City Hall, Court House, Gaol, House of Correction and House of Industry in and for such City and the Liberties thereof, and appointing the Inspectors of any such House of Industry.

Secondly. For regulating, in their discretion, the erecting of buildings and preventing wooden buildings and wooden fences from being erected in such City.

Thirdly. For borrowing under the restrictions and upon the security hereinafter mentioned all such sums of money as shall or may be necessary for the execution of any city work within their jurisdiction, and the scope of the authority by this Act conferred upon them.

Fourthly. For raising, levying, and appropriating such moneys as may be required for all or any of the purposes aforesaid by means of a rate to be assessed equally on the whole rateable property of such City, according to any law which shall be in force in Upper Canada, concerning rates and assessments.

Fifthly. For making all such laws as may be necessary and proper for carrying into execution the powers herein vested or hereafter to be vested in the Corporation of such City or in any department or office thereof, for the peace, welfare, safety and good government of such City as they may from time to time deem expedient, such laws not being repugnant to this or any other Act of the Parliament of this Province, or of the Parliament of Upper Canada, or to the general laws of that part of this Province : Provided always nevertheless, firstly, that no person shall be subject to be fined more than five pounds exclusive of costs, or to be imprisoned more than thirty days for the breach of any By-law or Regulation of such City ; And provided also, secondly, that no person shall be compelled to pay a greater fine than twenty pounds, for refusing or neglecting to perform the duties of any municipal office, when duly elected or appointed thereto.

Sixthly. For the repeal, alteration or amendment, from time to time, of all or any of such By-laws, and the making others in lieu thereof as to them may seem expedient for the good of the inhabitants of such City.

VI. MISCELLANEOUS PROVISIONS.

CVIII. And be it enacted, That of the Municipal Corporations erected or to be erected under the authority of this Act, the Warden of each County shall be the Head of the Municipal Council or Corporation of such County, the Mayor of each City and Town shall be the Head of the Town or Common Council or Corporation of such City or Town respectively, and the Townreeve of each Township and Village, the Head of the Municipality or Corporation of such Township or Village respectively.

Who shall be the Heads of the different Corporations.

CIX. And be it enacted, That the Head of every such Municipal Corporation as aforesaid shall *ex officio* be a Justice of the Peace, in and for the County within or on the borders of which the Township, Village, Town or City, in or over which he shall preside as such Head as aforesaid, shall be situate, and shall have within every such County, as well as within the limits of the Jurisdiction of the Municipal Corporation over which he presides, all and singular the powers and jurisdiction as well civil as criminal which belong to that office.

Head of any Corporation to be *ex officio* a Justice of the Peace.

CX. And be it enacted, That in the event of the absence of the Head of any such Municipal Corporation from the duties of his office for a period exceeding at one time three calendar months, without having been first authorized so to absent himself by a resolution of such Municipal Corporation, he shall vacate his office; and in such case, it shall and may be lawful for such Municipal Corporation, at a special meeting thereof for that purpose, to be convened within three days after such office shall become vacant, to elect from among themselves a successor to such Head of such Municipal Corporation, who shall hold office for the remainder of the time of service of his immediate predecessor, which Head of such Corporation shall be sworn into office as is in and by this Act provided.

Absence of more than three months at a time without leave, to vacate the office.

Vacancy how filled.

CXI. And be it enacted, That it shall and may be lawful for the Head of such Municipal Corporation, at any time, by and with the consent of such Municipal Corporation, to resign his office; and his successor shall in such case be elected within the time and in the manner, and for the same period as is provided in the next preceding section of this Act.

Resignation of Heads of Corporations.

CXII. And be it enacted, That if any of the Members of any such Municipal Corporations, erected or to be erected under the authority of this Act, shall be declared a Bankrupt, or shall apply to take the benefit of any Act for the relief of Insolvent Debtors, or shall compound by deed with his creditors, then, and in every such case, such person shall thereupon immediately become disqualified, and shall cease to be a Member of such Municipal Corporation, for the residue of the time for which upon such bankruptcy, insolvency, or composition with his creditors, such Member of such Municipal Corporation was liable to serve; and the vacancy thereby created shall be filled as in the case of the natural death of such Member of such Municipal Corporation.

Members of Corporations becoming insolvent to cease to be Members.

CXIII. And be it enacted, That the head of every such Municipal Corporation, or, in his absence, the Chairman thereof, shall have power to administer an oath or oaths, affirmation or affirmations, to any person or persons concerning any account or other matter which shall be submitted to such Municipal Corporation.

Power to Head of Corporation to administer certain oaths.

CXIV. And be it enacted, That for and notwithstanding the issue of any Proclamation under the authority of this Act for the incorporation of any Village or for the erection of any Village into a Town, or of any Town into a City, the Municipal Corporation existing in or having authority over such Village or Town, or the Hamlet or place of which by

Notwithstanding proclamation incorporating Villages, &c., Municipal Corporations then existing to con-

tinue to exercise their powers for a certain time.

such Proclamation such Village, Town or City shall be made to consist immediately previous to the first day of January next after the end of three calendar months from the *teste* of such Proclamation, and all and singular the members, officers and servants of the same respectively, shall upon, and from such last mentioned first day of January, until the fourth Monday of the same month, continue to have, exercise and perform all and singular the Municipal and other powers, functions and duties which, immediately previously to such last mentioned first day of January, shall or may by law have been vested in them respectively, to all intents and purposes as if such Proclamation had not been issued.

Governor in Council may enlarge boundaries, or alter the division, &c., of a Town or Village, on petition of the Corporation.

XCXV. And be it enacted, That it shall and may be lawful for the Governor of this Province, by any Order in Council, made upon the petition of the Municipal Corporation of any Town or Village, by Proclamation under the Great Seal of the Province, to add to the boundaries of such Town or Village, and to make a new division of the Wards of any such Town, and to alter the boundaries and number of such Wards, but so that there be not less than three Wards therein, and that no Ward shall by such division contain less than the number of inhabitants contained in the least populous Ward of such Town by the first census taken after the first erection of such Town; and the first election, under such enlargement or new division of such Town or Village, shall take place on the first day of January next, after the end of three calendar months from the *teste* of such Proclamation.

As to first election thereafter.

Municipal Corporation not to grant exclusive rights to exercise any trade or calling.

XCXVI. And be it enacted, That nothing herein contained shall be construed to authorize any Municipal Corporation erected under the authority of this Act, to give any person or persons an exclusive right or privilege to exercise within the locality over which it has jurisdiction, any trade or calling concerning which such Municipal Corporation may be hereby empowered to make regulations, or to require that a license to exercise the same be taken from such Municipal Corporation or any Officer thereof, or to impose any special tax on any person or persons exercising the same except only such reasonable fee, not in any case exceeding five shillings, as may be necessary for remunerating the proper Officer for issuing or granting to any such person a certificate of his having complied with any such regulations as aforesaid; Provided always nevertheless, that nothing herein contained shall affect the right of any Municipal Corporation to the exclusive privilege of any ferry now vested in the present Corporation of such County, City, Town or Village.

Proviso as to Ferries.

When a Police Magistrate shall be appointed in a Town or City, powers of granting tavern licenses vested in him.

XCXVII. And be it enacted, That whenever there shall be a Police Magistrate for any Town or City erected or to be erected under the authority of this Act, the power of granting licenses to inn-keepers, and the keeping of ale and beer houses within such Town or City, or the liberties thereof, under such By-laws as may be made for that purpose by the Municipal Corporations thereof, shall be vested in and belong to such Police Magistrate.

Tavern-keepers keeping disorderly houses, to be tried before the Mayor or Police Magistrate and two Aldermen or Justices of the Peace.

XCXVIII. And be it enacted, That the Mayor or Police Magistrate, with any two Aldermen or Justices of the Peace for any Town or City erected or to be erected under the authority of this Act, shall have full power and authority upon complaint made to them or any one of them, upon oath, of any riotous or disorderly conduct in the house of any Inn or Tavern Keeper in any such Town or City, to enquire summarily into the matter of such complaint, and for the Mayor or Police Magistrate of such Town or City, to summon such Inn or Tavern-keeper to appear to answer such complaint, and thereupon it shall be lawful for the Mayor or Police Magistrate, with any two Aldermen or Justices of the Peace, to investigate the same, and to dismiss the same with costs, to be paid by the complainant, or to convict the said Inn or Tavern-keeper of

Punishment on conviction.

having a riotous or disorderly house, and to abrogate the license, or to suspend the benefit of the same for any period not exceeding sixty days; and during the period of such suspension, such Inn or Tavern-keeper shall lose all the powers, privileges and protection that would otherwise have been afforded him by his said license.

CXIX. And be it enacted, That in every case in which an oath is required to be administered or taken under this Act, the person required to take such oath, if by law permitted to affirm instead of swear in judicial cases in Upper Canada, shall be entitled and required to make solemn affirmation to the same effect as the oath which would otherwise be required.

Affirmation allowed in certain cases instead of taking the oath.

CXX. And be it enacted, That in future the Collector's Rolls for the different Townships, Incorporated Villages and Wards in Upper Canada shall contain the amount of the assessed value of the real and also the amount of the assessed value of the personal property of each person whose name shall appear upon such Roll, as well as the amount to be collected from such person.

Value of the property assessed to appear upon the Roll.

CXXI. And be it enacted, That no person shall be qualified to vote, or to be elected or appointed under this Act, who shall not at the time of his voting, election or appointment, be a natural-born or naturalized subject of Her Majesty, Her Heirs or Successors, and of the full age of twenty-one years.

Voters to be subjects of Her Majesty, and of full age.

CXXII. And be it enacted, That in all elections of Members of any of the Municipal Corporations erected or to be erected under the authority of this Act, whether for Townships, Villages or Wards, each and every person whose name shall appear upon the Collector's Roll, or copy thereof, hereinbefore required to be procured for the purposes of such election, as having been taxed as a freeholder or householder in any such Township, Village or Ward, to an amount sufficient to entitle him to vote at such election, shall be entitled to vote at such election for the same, without any other enquiry and without taking any oath or affirmation other than that he is the person named in such Collector's Roll, that he is of the full age of twenty-one years, and is a natural-born, or naturalized subject of Her Majesty, that he is resident within such Township, Village or Ward, and that he has not before voted at such election.

Persons appearing on Collector's Roll as qualified to vote, only required to take certain oaths.

CXXIII. And be it enacted, That every person wilfully swearing or affirming falsely in any oath or affirmation required to be taken under this Act, shall be liable to the pains and penalties of wilful and corrupt perjury.

False swearing, &c., perjury.

CXXIV. And be it enacted, That every Returning Officer, or person holding any election under this Act, shall have power to administer all oaths or affirmations required to be administered or taken at any such election.

Returning Officers authorized to administer oaths.

CXXV. And be it enacted, That the Heads of the several Municipal Corporations created or to be created under the authority of this Act, and also the Aldermen of the said Cities and the Justices of the Peace for the several Towns, and also every County, City, Town, Township and Village Clerk, appointed under the authority of this Act, shall have authority to administer any oath or affirmation required to be taken under this Act, and relating to the business of the place in which he shall hold such office as aforesaid, except where it is or shall be otherwise specially provided, or except where he shall be the party required to take such oath or affirmation; and it shall be the duty of any person administering such oath or affirmation to preserve the same, duly certified by him and subscribed by the party taking or making the same, and to

Heads of Corporations, &c., authorized to administer oaths in certain cases.

Deposit of the oath, &c.

Penalty for contravention.

Oaths may be administered to parties and witnesses in disputes as to boundaries, &c.

Officers elected or appointed under this Act to take oath of Office.

The oath.

Before whom the Head of a Municipal Corporation shall be sworn.

Power to administer the oath.

An Oath of qualification to be taken by certain Officers.

The oath.

deposit the same in the office of the County, City, Town, Township or Village Clerk, for the County, City, Town, Township or Village in which the said oath or affirmation shall be taken or made, and to the business and affairs of which it shall properly belong, within eight days after such oath or affirmation shall be administered, on pain of being deemed guilty of a misdemeanor.

CXXVI. And be it enacted, That in all matters of dispute of and concerning roads, allowances for roads, side lines, boundaries or concessions, pending, or in the course of investigation before the said Municipal Corporations, it shall and may be lawful for the Head of each of the said Municipal Corporations to administer an oath or affirmation to any of the contending parties, and to any witness to be examined touching or concerning the said matters in dispute, and that any person falsely swearing or affirming in that behalf shall be guilty of wilful and corrupt perjury.

CXXVII. And be it enacted, That each Township, Village, Town or City Councillor, and each Township, County, Village, Town or City Clerk, and each Justice of the Peace for any of the Towns aforesaid, and each Assessor and Collector, and each Returning Officer and Returning Officer's Clerk, and each Constable or other Officer, who shall be appointed under this Act, by any Municipal Corporation, shall, before entering on the duties of his office, take and subscribe an oath or affirmation to the effect following, that is to say :

"I, A. B., do solemnly swear, (or affirm, *where the party is entitled to affirm instead of swear*) that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*) to which I have been elected (*or appointed*) in this Township, (County, &c.) and that I have not received and will not receive any payment or reward, or promise of such for the exercise of any partiality or malversation, or other undue execution of the said office. So help me God."

CXXVIII. And be it enacted, That the Head of every Municipal Corporation erected, or to be erected under the authority of this Act, shall be sworn or affirmed into office by the Highest Court of Law or Equity whether of general or only of local jurisdiction, which shall at the time be sitting within the limits of such Corporation, or by the Chief Justice or other Justice or Judge of such Court at his chambers, or if there be no such Court, Justice or Judge within the limits of such Corporation at the time, then before the Recorder or Police Magistrate of such City or Town, or any Justice of the Peace of the County or Town in or over which such Corporation shall have jurisdiction, or in the case of Townships and Villages, by any Justice of the Peace for the County in which such Township or Village shall be situate, or in case there shall be no such Court, Justice, Judge, or Justice of the Peace within such limits at the time, then before the Clerk of such Municipal Corporation, in the presence of a meeting of such Corporation, which several Courts, Justices, Judges, Recorders, and Police Magistrates, and Justices of the Peace, and Clerks are hereby severally authorized and required to administer such oath or affirmation, and to give the necessary certificate of the same having been duly taken and subscribed.

CXXIX. And be it enacted, That every person who shall be elected or appointed under this Act, to any office which requires a qualification of property in the incumbent, shall, before he shall enter into the duties of his office, take and subscribe an oath or affirmation to the effect following, that is to say :

"I, A. B., do swear (or affirm, *where the party is entitled to affirm instead of swear*) that I am a natural born (*or naturalized*) subject of

"Her Majesty; that I am truly and *bona fide* seized to my own use and benefit, of such an estate (*specifying the nature of such estate, and if land, designating the same by its local description, rents, or otherwise*) as doth qualify me to act in the office of (*naming the office*) for (*naming the place for which such person is elected or appointed*) according to the true intent and meaning of a certain Act of the Parliament of this Province, passed in the _____ year of the reign of Her Majesty Queen Victoria, chaptered (*inserting the chapter of this Act*) and intituled, An Act, &c. (*inserting the title of this Act*). So help me God."

CXXX. And be it enacted, That each and every qualified person duly elected or appointed to be a Police Trustee of any police village, or Councillor or Townreeve of any Township or Village, or a Councillor, Alderman, or Mayor of any Town or City, or a Township, Village, Town, or City Assessor or Collector, who shall refuse such office, or who shall refuse or neglect to take the oath or affirmation of office and that of qualification, under this Act, within twenty days after he shall be so elected or appointed, and have had notice of such election or appointment, and every person duly authorized to administer such oath or affirmation who shall refuse to administer the same when such administration is reasonably demanded of him, shall, upon conviction thereof before any Court of competent jurisdiction, forfeit and pay not more than twenty pounds, and not less than two pounds, at the discretion of the Court, and to the use of Her Majesty, Her Heirs and Successors, together with such costs of prosecution as shall be adjudged by the Court: Provided always, that no person who shall have served in any of the said offices for the year next before any such election or appointment, shall be obliged to serve or be sworn into the same or any other of the said offices for the year succeeding such service.

Penalty for refusal to take office or oaths, &c.

Proviso as to persons having served in such offices.

CXXXI. And be it enacted, That all persons over sixty years of age, all members of the Legislative Council, and of the Legislative Assembly, all Officers and others in the service of the Crown, either civil or military on full pay, all Judges, Sheriffs, Coroners, Gaolers, and Keepers of houses of correction, all persons in Priest's orders, Clergymen and Ministers of the Gospel of any denomination, all members of the Law Society of Upper Canada, whether Students or Barristers, all Attornies and Solicitors in actual practice of their professions, all Officers of Courts of Justice, all Members of the Medical profession, whether Physicians or Surgeons, and all Professors, Masters, Teachers, and other Members of any University, College or School in Upper Canada, and all Officers and Servants thereof, and all Millers, and Firemen belonging to any regular Fire Company, shall be and are absolutely free and exempt from being elected or appointed to any Corporate Office whatsoever.

Certain persons exempted from serving in any Corporate Office.

CXXXII. And be it enacted, That no Judge of any Court of civil jurisdiction, no Naval or Military Officer on full pay, and no person receiving any allowance from the Township, County, Village, Town or City, (except in the capacity of Councillor, or in capacities incident thereto,) and no person having by himself or partner any interest or share in any contract with or on behalf of the Township, County, Village, Town or City, in which he shall reside, shall be qualified to be, or be elected Alderman or Councillor for the same, or for any Ward therein.

Certain persons disqualified from being elected Aldermen or Councillors.

CXXXIII. And be it enacted, That no person shall be qualified to be appointed Assessor for any Township, Village or Ward, who shall be a Councillor of such Township or Village, or of the Town or City in which such Ward shall be situate, or an Alderman or Councillor of the City in which such Ward is situate, nor shall any person be appointed such Assessor unless he shall, at the time of his election or appointment, be

Who may not be an Assessor, and qualification of an Assessor.

seized or possessed to his own use, of property sufficient to qualify him to be elected a Councillor for such Township or Village, or the Town or City in which such Ward shall be situate.

One Assessor may be appointed for more than one Ward.

CXXXIV. And be it enacted, That nothing in this Act contained, shall prevent any person from being appointed Assessor or Collector for more than one Ward in any City or Town.

As to qualification of Justices of the Peace.

CXXXV. And be it enacted, That each and every Justice of the Peace for any of the said Towns shall be qualified in the same amount of property, and shall take the same oaths as are required of other Justices of the Peace. But no Warden of any County, Mayor, Recorder, Police Magistrate, or Alderman of any City, Mayor or Police Magistrate of any Town, or Townreeve of any Township or Village, shall require any property qualification to enable him lawfully to act as a Justice of the Peace, nor shall any other oath be required of him than his oath of office as such Warden, Mayor, Recorder, Police Magistrate, Alderman, or Townreeve, and the oath of qualification for such office; any law to the contrary notwithstanding.

Appointment of one or more Coroners for each City and Town.

CXXXVI. And be it enacted, That one or more Coroners shall and may be appointed for every City and Town that shall be or continue incorporated as such under the authority of this Act.

Police Trustees, &c., to be Health Officers under Act of U. C. 3 W. 4 c. 16, or any future Act.

CXXXVII. And be it enacted, That the Police Trustees of every unincorporated Police Village, and the Members of the Municipal Corporation of every Incorporated Village, and of every Township, Town and City in Upper Canada, shall be Health Officers within the jurisdiction of such Police Villages or Municipal Corporations, within and under the provisions of the Act of the Parliament of the late Province of Upper Canada, passed in the fifth year of the reign of His late Majesty King William the Fourth, intituled, *An Act to promote the Public Health, and to guard against infectious diseases in this Province*, and under any Act that may be hereafter passed in the present or any future Session of the Parliament of this Province for the like purpose: Provided always, nevertheless, that the Municipal Corporation of any of such Townships, Villages, Towns or Cities shall and may by a By-law to be passed for that purpose, delegate the powers hereby conferred upon them, either to a Committee of their own Members, or to some of their own Members and others, or wholly to persons who are not Members of such Corporation, as in their discretion they shall think best.

Provide: they may delegate their powers as such.

Provision with respect to existing Market places.

CXXXVIII. And be it enacted, That the places already established by competent authority as markets or market places in the several Villages, Towns and Cities in Upper Canada, shall be and remain markets and market places with all the privileges attached thereto until otherwise directed by competent authority in that behalf, and all market reservations or appropriations which by Act of Parliament or otherwise shall have been and shall then continue vested in the Municipal authority of any such Village, Town or City, or in Trustees for their use and benefit at the time this Act shall come into force, shall be and the same are hereby vested in the Municipal Corporation of such Village, Town or City erected under this Act.

Corporations may purchase property beyond limits of towns, &c., for Industrial Farms, which shall, with regard to jurisdiction be deemed within such Towns.

CXXXIX. And be it enacted, That notwithstanding any thing herein contained, it shall and may be lawful for the Municipal Corporation of any Town or City to purchase, have and hold, and at their pleasure to sell, dispose of and convey such landed property beyond the limits of such Town or City and the Liberties thereof as shall or may, in their judgment, be necessary for the purpose of an Industrial Farm for such Town or City, which Industrial Farm with all the buildings, erections and improvements so to be purchased as aforesaid, shall, with regard to jurisdiction only, be deemed and taken to be within the limits of such

Town in the case of Towns, and within the Liberties of such City, in the case of Cities, and within the jurisdiction of such Town or City for all such purposes.

CXL. And be it enacted, That it shall and may be lawful for the Mayor, Recorder, Police Magistrate, or any two Aldermen or Justices of the Peace for any Town or City erected, or to be erected under the authority of this Act, to commit to hard labour at, or send to such Industrial Farm, under such regulations as shall be established for the government thereof, any or such description of persons as may by the By-laws of the Corporation of such Town or City, from time to time, be adopted or declared expedient or necessary.

Mayor, &c., may commit to hard labour on Industrial Farms.

CXLI. And be it enacted, That notwithstanding any thing hereinbefore contained, it shall and may be lawful for the Municipal Corporation of any Village, Town or City to purchase, have and hold such and so much real property lying as well beyond as within the limits of such Village, Town or City, or the Liberties thereof, as in their judgment shall or may from time to time be or become necessary for the purpose of one or more public Cemeteries for the interment of the dead: Provided always nevertheless, firstly, that the title to every such Cemetery shall be obtained or accepted by such Municipal Corporation under the authority of a By-law of such Corporation to be passed for that purpose, in which By-law such property shall in express terms be appropriated for the purpose of such Cemetery, and no other: And provided also, secondly, that it shall not be in the power of any such Municipal Corporation, at any time thereafter, to repeal any such By-law, or to make or suffer to be made any other use of the property so obtained or accepted than for the purpose of such Cemetery: And provided also, thirdly, that every such Cemetery, although lying beyond the limits of such Village Town or City as settled by this or any other Act of Parliament, or by any Proclamation to be issued under the authority of the same, shall, from the time that the title shall become vested in such Corporation, cease to be a part of the Township within which it shall lie, and shall become and be a part of such Village, Town or City to all intents and purposes as if such Cemetery lay within the limits of such Village, Town or City as settled by such Act or Proclamation.

Corporations may purchase real property for cemeteries.

Proviso: the title to cemetery to be obtained under a By-law.

Proviso: no such By-law to be repealed, &c.

Proviso: such cemeteries tho' out of the Town, &c., to be deemed part thereof, &c.

CXLII. And be it enacted, That notwithstanding any thing herein contained, it shall and may be lawful for the Municipal Corporation of any Village, Town or City, to purchase, have and hold, and at their pleasure to sell, dispose of and convey such landed property as well beyond as within the limits of such Village, Town or City or the Liberties thereof, as shall or may in their judgment be necessary for the purpose of one or more magazines for the deposit and safe keeping of gunpowder, so as to prevent danger therefrom to any such Village, Town or City.

Corporations of Cities, &c., may purchase property beyond the limits of such cities, &c., for powder magazines.

CXLIII. And be it enacted, That every Municipal Corporation erected or to be erected under the authority of this Act, at the first meeting of such Corporation in each year next after the Head of such Municipal Corporation for such year shall have been elected and sworn into office, shall appoint two persons to be and to be called Auditors of such Corporation, one of whom shall be appointed on the nomination of the Head of such Corporation, and the other in the same manner as other Municipal Officers are appointed: Provided always, firstly, that no person shall be appointed such Auditor who shall be a Member of such Corporation or the Clerk or Treasurer thereof, or who shall have been such Member, Clerk or Treasurer for the preceding year, nor any person who then shall have had for such preceding year, or shall then have directly or indirectly by himself or in conjunction with any other person, any share or interest

Two Auditors to be appointed by every Municipal Corporation. Proviso: who shall not be appointed Auditors.

Proviso: Auditors to take an oath.

in any contract or employment with, by or on behalf of such Corporation ; And provided also, secondly, that no person appointed an Auditor for such Corporation shall be capable of acting as such, until he shall have previously made and subscribed before the Head of such Corporation, an oath or affirmation in the words or to the effect following, that is to say :

The oath.

"I, A. B., having been appointed to the office of Auditor for the Municipal Corporation of _____ do hereby promise and swear, that I will faithfully perform the duties of such office according to the best of my judgment and ability ; and I do swear and declare, that I had not directly or indirectly any share or interest whatever in any contract or employment with, by, or on behalf of such Municipal Corporation during the year preceding my appointment, and that I have not any contract or employment for the present year. So help me God."

Auditors to examine all accounts against or concerning Corporation.

To publish a statement of expenditures and liabilities of Corporation.

And file a duplicate report thereon with the Clerk of the Corporation.

CXLIV. And be it enacted, That it shall be the duty of such Auditors to examine, settle and allow or report upon all accounts which may be chargeable upon or may concern such Corporation, and which may relate to any matter or thing under the control of, or within the jurisdiction of such Corporation for the year ending on the thirty-first day of December preceding their appointment as such Auditors ; and to publish a detailed statement of the receipts and expenditures and liabilities of such Corporation in two newspapers published within the jurisdiction thereof, or in those nearest thereto ; and to file their report thereon in duplicate in the Office of the Clerk of such Municipal Corporation, which they shall do in at least one month after their appointment, and from thenceforth one of such duplicate reports shall at all seasonable hours be open to the inspection of any inhabitant of such Township, County, Village, Town or City, with power to take by himself, or his clerk or agent, but at his own expense, a copy or copies or an extract or extracts from the same at his pleasure.

Governor in Council to regulate ferries over which this Act does not confer jurisdiction upon Municipal Councils &c.

CXLV. And be it enacted, That as to all ferries over which jurisdiction is not by this Act conferred either upon the Municipal Council of some County or the Common Council of some City, and in all cases in which such jurisdiction is hereby conferred, but in which no By-law shall have been passed by such Municipal Council or Common Council, and assented to as hereinbefore provided, for the regulations of such ferry, and until such By-law shall be passed and assented to as aforesaid, it shall and may be lawful for the Governor of this Province, in Council, from time to time, to regulate such ferries, and to establish the rates of pay or hire to be taken by the owners or conductors of the boats or vessels employed on such ferries.

Writ of Summons in nature of *quo warranto* to issue for the trial of controverted elections.

CXLVI. And be it enacted, That at the instance of any relator having an interest as a candidate or voter in any election to be held under the authority of this Act, a Writ of Summons, in the nature of a *quo warranto*, shall lie to try the validity of such election, which Writ shall issue out of Her Majesty's Court of Queen's Bench for Upper Canada, upon an order of that Court in term time, or upon the fiat of a Judge thereof in vacation, upon such relator, shewing upon affidavit to such Court or Judge reasonable grounds for supposing that such election was not conducted according to law, or that the party elected or returned thereat, was not duly or legally elected or returned. And upon such relator entering into a recognizance before the said Court or any Judge thereof, or before any Commissioner, for taking bail in such Court, himself in the sum of fifty pounds, and two sureties to be allowed as sufficient upon affidavit, by such Court or Judge, in the sums of twenty-five pounds each, conditioned to prosecute with effect the Writ to be issued upon such order or fiat, and to pay to the party against whom the same shall be brought, his executors or administrators, all such costs as

Security.

shall be adjudged to such party against him the said relator, thereupon such Writ shall be issued accordingly: and the said Writ shall be returnable upon the eighth day after that on which it shall be served on such party by the delivery of a copy thereof to him personally, or in the manner hereinafter provided for before some one of the Judges of the said Court at Chambers, which Judge shall have power, upon proof by affidavit of such personal or other service, and he is hereby required to proceed in a summary manner upon statement and answer, and without formal pleadings, to hear and determine the validity of such election, and to award costs against the relator or defendant upon such Writ as he shall deem just.

Return of Writ and proceedings thereon.

Costs.

CXLVII. And be it enacted, That on the first day on which such Court shall sit after such judgment shall be given by such Judge, whether such day shall be in the same or the following Term, the said Judge shall deliver such Writ and judgment with all things had before him touching the same into such Court, there to remain of record as a judgment of the said Court, as other judgments rendered therein, and such judgment shall thereupon be enforced by peremptory *Mandamus* and by such Writs of Execution for the costs awarded by such judgment as occasion shall or may require.

On first Court day after judgment Judge shall deliver Writ and judgment into Court, and the same shall be enforced by peremptory *Mandamus* &c.

CXLVIII. And be it enacted, That in case the party against whom such Writ of Summons shall be brought, shall keep out of the way to avoid personal service thereof on him as aforesaid, it shall and may be lawful for the Judge before whom the same is returnable, upon being satisfied thereof upon affidavit, to make an order for the service of such Writ either by the leaving a copy thereof at the dwelling-house of such party with his wife or other grown-up person there, or in any other manner that such Judge shall deem the ends of justice to require according to the circumstances laid before him upon affidavit for that purpose, and upon service of such Writ being made according to such order and proof thereof by affidavit, it shall be lawful for such Judge and he is hereby required to proceed thereupon as if the said Writ of Summons had been served personally on the party.

How service of the Writ may be made when the party keeps out of the way.

CXLIX. And be it enacted, That where two or more of such Writs be brought to try the validity of the same election, all such Writs after the first shall be made returnable before the same Judge before whom such first writ shall have been made returnable, and such Judge shall proceed upon such Writs by giving separate judgments upon each, or one judgment upon all, as the justice of the case may in his opinion require.

Provision when several Writs issue to try the same election,

CL. And be it enacted, That it shall be lawful for every such Judge to cause the Collector's Rolls, Poll Books and any other Records of such Election to be brought before him by *Certiorari*, and upon the trial of the validity of such election upon any such Writ, such Judge shall enquire into the facts to be established by personal evidence either by affidavit or affirmation, or by oral testimony taken before him as at *Nisi Prius*, or by issues to be framed by him for that purpose, and to be sent to be tried by Jury by Writ of Trial to be directed to such Inferior Court of Civil Jurisdiction as shall be named by such Judge for that purpose, not however being one having jurisdiction in or over the locality for which such election shall have been held, or by one or more of those methods of enquiry as such Judge shall deem the ends of justice to require.

Judge may cause Collector's Rolls, Poll Books, &c., to be brought before him by *certiorari*, and ascertain facts by evidence, &c.

CLI. And be it enacted, That no *Mandamus* or other Writ of Execution shall issue upon any such judgment until the same shall have been in the possession of the Court for four days in term time, one of such days being that on which the same shall have been so delivered in as aforesaid, nor while any rule shall be pending for the reversal or alteration of such judgment by such Court as hereinafter provided.

Execution not to issue till four days in term time after judgment.

Judgments to be examinable in term time on application made within four days.

CLII. And be it enacted, That every such preliminary judgment, so to be given by any such Judge as aforesaid, shall be examinable by such Court in term time, on an application for that purpose made within such four days, either by the party against whom such preliminary judgment was given, or by any other party interested either as Voter or Candidate in such election, and the same may be thereupon reversed, altered or affirmed by such Court either with or without costs to be paid by the party against whom the decision of the Court upon such application shall be given, as in the judgment of such Court the Law of the Land shall require.

Court of Q. B. to settle forms of Writs of Summons, practice, costs, &c.

CLIII. And be it enacted, That it shall and may be lawful for Her Majesty's said Court of Queen's Bench for Upper Canada, by any rule or rules to be by such Court made for that purpose in term time, to settle the forms of such Writs of Summons, *Certiorari*, *Mandamus* and execution as aforesaid, and to regulate the practice respecting the suing out service and execution of such Writs, and the punishment of those guilty of contempt in disobeying the same, and also generally for the regulation of the practice as well at Chambers as in Banco, in hearing and determining the validity of such elections as aforesaid, and the allowance of costs thereupon, and also from time to time by any new rule or rules to be made as aforesaid, to rescind, alter or amend such rule or rules or make others in lieu thereof, in like manner as they are now by Law empowered to do for the regulation of the practice of the Court in matters within its ordinary jurisdiction.

Provision when there is no proper Officer to hold an election.

CLIV. And be it enacted, That if the person whose duty it shall be, according to the provisions of this Act, or by virtue of any appointment made under it, to hold any election under the authority of the same, shall be absent at the time appointed for any such election, or if there shall be no such person, or such person be dead, it shall be lawful for the persons then and there assembled and entitled to vote at such election, to appoint from amongst themselves a Returning Officer, who shall forthwith proceed to hold such election in lieu of such other first mentioned person: Provided always, nevertheless, that the appointment of such substituted Returning Officer shall not be made until at least one hour after the hour appointed by lawful authority for commencing the proceedings at such election.

Proviso.

Parties interested may require of Town Clerks, &c., copies of By-laws on paying a reasonable fee therefor.

CLV. And be it enacted, That it shall be lawful and competent to and for any resident of any Township, Village, Town, City or County in Upper Canada aforesaid, in which any By-laws shall be passed, or for any other person having an interest in the provisions of such By-law, to apply by himself, or by his Attorney, for a certified copy of such By-law, and the Township, Town, Village, County or City Clerk shall, upon such application and upon payment to him of his fee therefor, within a reasonable time, furnish a copy of such By-law certified under his Hand and the Seal of the Municipal Corporation of which he is the Officer, and the Court of Queen's Bench for Upper Canada may be moved, upon production of such copy, and upon affidavit that the same is the copy received from such Township, Town, Village, County or City Clerk, to quash such By-law; and if it shall appear to the said Court, that such By-law is in the whole or in part illegal, it shall and may be lawful upon proof of service of a rule upon the Corporation, to shew cause, within not less than eight days after such service, why such By-law should not be quashed in the whole or in part, to order such By-law to be quashed in the whole or in part: and if it shall appear to the said Court that such By-law is legal, in the whole or in the part complained of, to award costs in favour of the Corporation, or otherwise against such Corporation; and that no action shall be sustained for or by reason of any thing authorized to be done under any such By-

Court of Q. B. may be moved to quash any By-law.

Proceedings thereon.

Provision as to lions for things

law, unless such By-law or the part thereof under which the same shall be done, shall be quashed in manner aforesaid one calendar month previously to the bringing such action; and if such Corporation, or any person sued for acting under such By-law, shall cause amends to be tendered to the Plaintiff or his Attorney, and upon such tender being pleaded, no more than the amends tendered shall be recovered, it shall and may be lawful for the said Court to award no costs in favour of the Plaintiff, and to award costs in favour of the Defendant, and to adjudge that the same shall be deducted out of the amount of the verdict.

done under By-laws.

Amends may be tendered.

CLVI. And be it enacted, That all the By-laws of the different Municipal Corporations in Upper Canada remaining unrepealed at the time this Act is appointed to come into force shall continue in force until amended, altered or repealed by some By-law or By-laws to be passed for that purpose by the Municipal Corporation by this Act substituted for such former Municipal Corporation; Provided always nevertheless, that the provision contained in the next preceding section of this Act, for trying the validity of By-laws to be passed by the Municipal Corporations erected under this Act, shall extend and apply to all such By-laws of such former Corporations, and shall and may be certified by the proper Officer of the Corporation erected under this Act, as if they had been By-laws passed under the authority of the same; Provided always nevertheless, that nothing herein contained shall extend or be construed to extend to confirm or render valid any By-law which would not have been valid had this Act not been passed.

Saving of present By-laws of existing Corporations until repealed

Proviso: next preceding section to apply to them.

Proviso.

CLVII. And be it enacted, That each and every Returning Officer who shall hold any election under this Act, shall, during such election, act as a Conservator of the Peace for the County in which such election shall be holden, and he or any Justice of the Peace for such County, or for the Town or City in which such election shall be holden, shall and may arrest or cause to be arrested, and may try summarily, imprison or bind over to keep the peace or for trial, or cause to be summarily punished by fine or imprisonment, or both, any riotous or disorderly person or persons who shall assault, beat, molest or threaten any voter or elector coming to or going from such election; and when thereunto required, all Constables and other persons present at such election, are enjoined to be assisting such Returning Officer and such Justice or Justices of the Peace, on pain of being held guilty of a misdemeanor; and such Returning Officer or such Justice or Justices shall and may, when he or they consider it necessary, appoint and swear in any number of Special Constables to assist in preserving the peace and order at such election.

Returning Officers to act as Conservators of the Peace during elections.

Constables, &c., to assist if required.

CLVIII. And be it enacted, That any person liable to serve the office of Constable, and so required to be sworn in as Special Constable by any such Returning Officer, shall, if he shall refuse to be sworn in as such, be liable to a penalty of five pounds currency, to be recovered to his own use in any Court of competent jurisdiction, by him who will sue for the same.

Penalty against persons refusing to serve as Special Constables.

CLIX. And be it enacted, That each election to be held under this Act shall commence at the hour of eleven of the clock in the forenoon of the day for which such election is appointed, and may be held until the hour of four of the clock in the afternoon of the same day, and may then be adjourned until ten of the clock in the forenoon of the next day, and continue until four of the clock in the afternoon of such second day, unless the Returning Officer shall see that all the electors intending to vote have had a fair opportunity of being polled, and one full hour at one time shall have elapsed, and no qualified elector shall, during such time, give or tender his vote, free access being allowed to electors for such

Hours of holding elections.

Adjournments.

If no elector offers to vote in one hour.

purpose, in which case he may close the election at four o'clock of the first day, or at any time before that hour on the second day.

Returning Officer to keep Poll Book, and in what form.

CLIX. And be it enacted, That the Returning Officer at each of the said elections at which a poll shall be called for, shall keep a poll book, in which he, or his sworn Poll Clerk shall enter in separate columns the names of each of the persons proposed and seconded as candidates by any electors present at such election; and opposite to such columns, he shall write the names of the several electors offering to vote at such election, and in the respective columns in which are entered the name of the candidate voted for by each voter, he shall set the number one, and at the close of the poll such Returning Officer shall add up the number of voters for each candidate set down in their respective columns, and he shall declare which of the said candidates have the highest number of votes, beginning with the one having the greatest number, and so on until the whole number of candidates to be elected at such election, having a greater number of votes in favor of each respectively than the remaining candidates shall appear, and he shall publicly declare the requisite number of candidates duly elected; and if any two or more candidates shall appear to have an equal number of votes, by reason of which equal number the election appears undecided, the Returning Officer, whether otherwise qualified or not, shall give a vote for one or more of the candidates having equal numbers, so as to decide the election; Provided always, that no Returning Officer under this Act shall vote at any election which it shall be his duty to hold, except in the case of such equality of votes as aforesaid.

He shall declare the Candidates elected.

And shall have a casting vote in case of ties.

Proviso: he shall not otherwise vote.

Returning Officer to return Poll Book to Town Clerk, &c., after election.

CLXI. And be it enacted, That after the close of any such election, the Returning Officer shall return the poll book to the Township, Village, Town or City Clerk of the Township, Village, Town or City in which the election has been holden, with an affidavit or affirmation thereto annexed, that such poll book contains a faithful and true statement of the poll, and with a certificate that certain persons, naming them, have been duly elected.

If the person elected refuses to take office, a Warrant shall issue for a new election.

CLXII. And be it enacted, That in case any of the persons so declared to be elected, shall neglect or refuse to accept office, or to be sworn or affirmed into office, within the time in which the oath or affirmation of office is required to be taken as hereinbefore provided, then the Head of such Municipal Corporation for the preceding year shall forthwith by Warrant under his hand and seal, directed to the Returning Officer, require him to hold a new election to supply the place of such person, which such Returning Officer shall accordingly do within at least eight days after the receipt of such Warrant, and the person who shall be elected upon such Warrant shall be entitled and bound to be sworn or affirmed as Councillor, in the place of the person refusing office, or neglecting or refusing to be sworn or affirmed as aforesaid: Provided always nevertheless, that the necessity for such second election shall not prevent or interfere with the immediate organization of the Municipal Corporation for the year, or their proceeding to business as if such seat were not vacant.

Proviso: the Corporation may immediately proceed to business.

Vacancies in Municipal Corporations how to be filled.

Proviso as to terms of office.

CLXIII. And be it enacted, That all vacancies which may occur in any of such Municipal Corporations, by death or otherwise, shall be filled by an election to be held under a Warrant directed to the Returning Officer under the hand and seal of the Head of such Municipal Corporation: Provided always, that the person so appointed shall hold his seat in such Corporation by virtue of such appointment for the residue of the term for which his immediate predecessor was elected, and no longer.

As to notice of special elections.

CLXIV. And be it enacted, That all such Special Elections as are provided for by the two next preceding sections of this Act, shall be

held upon at least four days' public notice to the Electors under the hand of the Returning Officer, and posted in at least four of the most public places in the Township, Village or Ward for which it is to be held.

CLXV. And be it enacted, That if in any year there shall be no election held in any Township, Village, Town or Ward, on the appointed day, or if a requisite number of candidates shall not have been elected, or if there shall not be in the poll book the names of a sufficient number of candidates to supply any deficiency arising from refusal of office, or neglect or refusal to be sworn in, then, and in every such case, it shall and may be lawful for the members of the Municipal Corporation in which such default of members shall occur, or if none be elected, then, for the members of such Municipal Corporation for the next preceding year, or the majority of them respectively, and they are hereby required to supply the deficiency by appointing the whole number of Aldermen and Councillors, when the whole number shall be deficient, from amongst the qualified freeholders and householders of the Township, Village, Town or City, or by appointing such a number of qualified freeholders and householders of such Township, Village, Town or City as will complete the full number of Aldermen and Councillors for the same, and the person so appointed shall be bound to accept office, and to be sworn in, under the same penalty as if elected. ••

Provision in case of no election being held on an appointed day.

Appointment of Aldermen and Councillors.

CLXVI. And be it enacted, That if there shall be any vacancy or vacancies in the offices of Warden, Mayor or Townreeve, by reason of the death or removal of residence of any such officer, the respective Municipal Corporations in which such vacancy shall occur, shall and may respectively choose, from amongst their own number, a qualified person to be a Warden, Mayor, or Townreeve, as often as the case may occur.

Vacancies in offices of Warden, Mayor, &c., how to be filled up.

CLXVII. And be it enacted, That the Municipal Corporation in office on the day of general annual municipal elections, including all Councillors so appointed to make up deficiencies, shall hold office until their successors shall be elected or appointed and sworn into office, and the new Municipal Corporation shall be completed.

Corporations in office to hold until their successors are elected and sworn in.

CLXVIII. And be it enacted, That at any session or meeting of any Municipal Corporation under this Act, a majority of the whole number of those who shall by law form such Corporation, shall be a quorum for the dispatch of business; and if the person who ought to preside at any such meeting shall be absent, it shall and may be lawful for those present to appoint from amongst themselves a Chairman to preside at such meeting, and the Chairman so appointed shall have the same functions and authority in presiding at such meeting as the person who, if present, would preside at such meeting; and all votes, resolutions and proceedings of such meetings shall be carried by the majority of votes of the persons composing such meeting, other than the person presiding, who, in case of an equality of votes, shall have the casting vote.

A majority of the whole number of members to form a quorum.

Temporary Chairman in certain cases.

Majority.

Casting vote.

CLXIX. And be it enacted, That it shall be the duty of each of such Municipal Corporations to appoint a County, City, Town, Township or Village Clerk, as the respective cases may require, who shall hold office during their pleasure, and who shall be paid by such salary as they shall appoint, to be taxed and levied upon the whole rateable property in such County, City, Town, Township, or Village respectively, according to the assessment laws then in force in Upper Canada.

County Clerks, &c., to be appointed, to be paid by salary levied upon rateable property

CLXX. And be it enacted, That it shall be the general duty of such Clerk to record in a book to be provided for that purpose, all the proceedings of the Municipal Corporation of which he shall be Clerk, and to make regular entries of all resolutions and decisions, and to record the vote of every person present entitled to vote on every question sub-

Clerk to keep records of proceedings of Corporation, &c.

mitted, if required by any member present, and to preserve and file all accounts acted upon by the body to which he is Clerk, and to keep the books, records and accounts of such body, which shall be open without fee or reward to the inspection of all persons, at all seasonable times and hours.

A Treasurer to be appointed for each County, &c., and a Chamberlain for each City.

Their salary or per centage to be levied on rateable property.

Security

Duties of Treasurers and Chamberlains.

CLXXI. And be it enacted, That it shall be the duty of the Municipal Corporations of the respective Counties, Towns, Townships and Villages to appoint a Treasurer, and of the Municipal Corporations of the respective Cities to appoint a Chamberlain of the same respectively, who shall hold office during their pleasure, and shall be paid by such salary or per centage as they shall appoint, (to be raised and levied rateably upon the whole rateable property of such County, City, Town, Township or Village respectively, according to the assessment laws then in force in Upper Canada,) and who shall give such security for the faithful performance of the duties of his office, and more especially for the due accounting for and paying over all moneys which shall come into his hands by virtue of his office, as the Municipal Corporation by which he was appointed shall direct.

CLXXII. And be it enacted, That it shall be the duty of each of such Treasurers and Chamberlains to receive and safely keep all moneys belonging to the County, City, Town, Township or Village for which he shall be appointed, and to pay out the same to such persons and in such manner as he shall be directed to do by any lawful order of the Municipal Corporation thereof, or by any law in force or to be in force in Upper Canada, and strictly to conform to and obey any such law or any By-law lawfully made by any such Municipal Corporation, and faithfully to perform all such duties as may be assigned to him by any such law or By-law.

Clerks, &c., to hold Office until removed by Corporation.

CLXXIII. And be it enacted, That the Clerk, Treasurer and Chamberlain so to be appointed by any Municipal Corporation as aforesaid, as well as all other officers to be appointed in like manner, and with regard to whose period of service no other provision is made by this Act or in any other law or By-law, shall hold their offices until removed therefrom by the Municipal Corporation for the time being, notwithstanding any change in the persons of whom such Municipal Corporation shall be composed, occasioned by any new election or appointment.

Books, &c., of present District Treasurers to be deemed chattels belonging to the different Municipal Corporations.

CLXXIV. And be it enacted, That all the books of the present District Treasurers, and all books, papers, accounts or documents of what kind soever, which shall have been kept by or shall have come into the possession of any person or officer to be appointed or employed by any Municipal Corporation, by virtue of his office or employment, shall be deemed to be chattels belonging to such Municipal Corporation; and all moneys or valuable securities which shall have been lawfully received or taken into his possession by virtue of his office or employment, shall be deemed to be moneys or valuable securities belonging to such Municipal Corporation; and if any such officer or person shall at any time fraudulently embezzle any such chattel, money or valuable security, (and any refusal or failure to pay over or deliver up any such chattel, money or valuable security to such Municipal Corporation, or to any officer or person by them authorised to demand the same, shall be held to be a fraudulent embezzlement thereof,) he may be indicted and proceeded against, and being convicted thereof, shall be liable to be punished in the same manner as any servant who having fraudulently embezzled any chattel, money or valuable security received or taken into his possession, by virtue of his employment, for and in the name and on the account of his master, may be indicted, proceeded against

Punishment of Officers embezzling or refusing to deliver the same, to the proper parties.

and punished: Provided always, that nothing herein contained shall prevent, lessen or impeach any remedy which such Municipal Corporation, or any other party may have against such offender or his sureties, or against any other party whomsoever; but nevertheless, the conviction of any such offender shall not be received in evidence in any suit or action at law or in equity against him.

Proviso: other remedies not to be lessened.

CLXXV. And be it enacted, That the Corporation created or to be created in and for any County or union of Counties, City, Town, Township or Village, by this Act, or under any provision therein contained, shall be substituted for and shall be in the place and stead of the Corporation theretofore existing in and for the same County or union of Counties under the name of District, City, Town, Township, Village or place by virtue of any Act or law in force immediately before the commencement of this Act, and so that any suit, action, prosecution or other act, matter or thing, commenced or continued by such former Corporation, or to which it shall have been a party, shall not abate, but may be continued and completed by, with or against such new Corporation, in like manner and as validly to all intents and purposes as it might have been continued or completed by, with or against such former Corporation, and so that all estates and property, real or personal, and all debts and obligations of any kind, theretofore vested in or belonging to or due, or owing to or contracted in favour of such former Corporation, or the locality over which its jurisdiction shall extend, whether in the name of such Corporation or locality, or in that of some Officer thereof, and intended for the benefit of such Corporation or locality, shall thereafter be vested in and shall belong to and shall be due and owing to, and may be held, possessed and enjoyed, recovered and enforced by such new Corporation, and all debts, liabilities and obligations of such former Corporation, of what kind soever, or in what manner soever secured, shall become debts, liabilities and obligations of such new Corporation, secured and payable in like manner, and upon the same terms and conditions, and to be recovered and enforced if not paid or performed, in the same manner as they would have been recovered from or might have been enforced against such former Corporation or otherwise, as by this Act provided.

Corporations created under this Act to be substituted for Corporations theretofore existing—and suits commenced by former Corporations may be continued by the new Corporations, and vice versa.

CLXXVI. And be it enacted, That it shall be the duty of every such Municipal Corporation to take charge of any debt which may be due by the locality over which it has jurisdiction, and to direct the levy by tax upon the same, of such sum in each year as shall be necessary for the payment of the interest thereon, and as shall be sufficient to pay off the principal, according to the contracts and obligations which shall have been entered into in that behalf: and where any sum of money in the pound is by any Act of the Parliament of Upper Canada, or of this Province directed to be levied for the payment of any such debt or for any other special purpose, it shall be the duty of such Municipal Corporation, until the debt shall be paid or the purpose fully served for which such Act was passed, or until the service contemplated by such Act shall be otherwise provided for, or the Act repealed, to cause to be levied in each year upon such locality, a sum at least equal to the highest sum which shall have been raised for the same purpose in any one year before the passing of this Act.

Corporations to take charge of debts due by localities under their jurisdiction, and provide for their payment.

What rates shall be levied for paying such Debts, in certain cases.

CLXXVII. And be it enacted, That it shall be the duty of such Municipal Corporations respectively, to cause to be assessed and levied upon the whole rateable property in their Counties, Cities, Towns, Townships and Villages respectively, a sufficient sum of money in each year, to pay all debts incurred or which shall be incurred, with the interest which shall fall due or become payable within the year; and no By-law hereafter to be passed for the creation of any such debt, or

A sufficient sum to be levied by assessment for payment of all such debts, and interest.

By-laws creating or authorising

any debt not to be valid unless sufficient provision be therein made for levying moneys for the payment of such debt, within twenty years.

Such By-law not repealable, &c.

Proviso : how any temporary surplus of such moneys may be invested.

By-laws for raising loans, &c., shall not be repealed or altered until the loans and interest thereon are fully paid.

Punishment of Officers refusing to execute such By-law.

Duty of Sheriffs with respect to Writs of Execution against Municipal Corporations, if endorsed to be levied by rate.

for the negotiation of any loan, shall be valid or effectual, to bind any such Municipal Corporation, unless a special rate per annum over and above, and in addition to all other rates whatsoever shall be settled in such By-law, to be levied in each year for the payment of the debt to be created by the loan to be negotiated, nor unless such special rate shall be sufficient according to the amount of rateable property in such County, City, Town, Township, or Village, as the case may be, as shall appear by the then last assessment returns of such County, City, Town, Township or Village, to satisfy and discharge such debt, with the interest thereof, within twenty years from the passing of such By-law, and it shall not be competent to any such Municipal Corporation, to repeal such By-law, or to discontinue such rate, until the debt so to be incurred and the interest thereon shall be fully paid and discharged ; nor to apply the proceeds thereof to any other purpose than the payment and satisfaction of the same ; Provided always, nevertheless, that in the event of there being any part of such special rate on hand, and which cannot be immediately applied towards the payment and satisfaction of such debt by reason of no part thereof being then payable, it shall be the duty of such Municipal Corporation, and they are hereby required to invest such money in the Government Securities of this Province, or in such other Securities as the Governor of this Province shall by order in Council direct or appoint, and to apply all interest or dividends to arise or be received upon the same to the like purpose, as the amount so levied by such special rate, and no other.

CLXXVIII. And be it enacted, That any By-law by which it shall be attempted to repeal any such By-law for raising any such loan, or for the payment and satisfaction of the debt contracted for any such loan or to alter any such last mentioned By-law so as to diminish the amount to be levied for the payment and satisfaction of such loan or the interest thereof, until such loan and interest shall be fully redeemed, paid and satisfied, shall be and the same is hereby declared to be absolutely null and void to all intents and purposes whatsoever, and if any of the Officers of such Municipal Corporation shall, under pretence of such pretended By-law, neglect or refuse to carry into effect and execution the said By-law for levying the necessary moneys to redeem, satisfy and discharge such loan and the interest thereof, every such Officer shall be deemed guilty of a misdemeanor, and shall be punished by fine or imprisonment, or both, at the discretion of the Court whose duty it shall be to pass the sentence of the law upon such offender.

CLXXIX. And be it enacted, That it shall be the duty of every Sheriff who shall receive a Writ of Execution against any Municipal Corporation created or to be created under the authority of this Act, if such Writ shall be endorsed with a direction to such Sheriff to levy the amount thereof by rate, to deliver a copy of such Writ of Execution and endorsement to the Chamberlain or Treasurer of such Municipal Corporation, or to leave such copy at the office, place of business or dwelling house of such Chamberlain or Treasurer, with a statement in writing of his fees, and the whole amount for principal, interest and costs required to be paid to satisfy such execution, calculated to the day of the service of such copy as aforesaid, or some day as near as conveniently may be to the same, and in case such amount, with interest thereon from the day mentioned in such statement, shall not be paid to such Sheriff within one calendar month after such service, it shall be the duty of such Sheriff to examine the adjusted and settled assessment rolls of such Municipal Corporation, on file in the office of the Clerk of such Corporation, and to strike a rate upon the same in like manner as rates may be struck by such Municipal Corporation for the general Municipal purposes of such Corporation, which rate shall be of a sufficient amount in

the pound according to such assessment rolls to cover the amount so due on such execution, with such addition to the same as in the judgment of such Sheriff shall be sufficient to cover the interest, Sheriff's fees, and Collector's per centage to accrue thereon to the time when such rate shall probably be available for the satisfaction of the same: And thereupon, such Sheriff shall, by a precept or precepts under his Hand and Seal of Office, directed to the different Collectors of such Municipal Corporation respectively, reciting such Writ of Execution, and that such Municipal Corporation had neglected to make provision according to Law for the satisfaction thereof, and containing the roll of such rate in a Schedule to be annexed to such precept, command such Collectors respectively, to levy and collect such rate within their respective jurisdictions, at the time and in the manner that they are by Law required to levy and collect the annual rates for the general purposes of such Municipal Corporation, and if at the time for levying and collecting such annual rates next after the receipt of any such precept, such Collectors shall have a general rate roll delivered to them for such year, it shall be their duty to add a column thereto, headed: "Execution rate in A. B. vs. The Township," (or as the case may be, adding a similar column for each execution if more than one,) and to insert therein the amount by such precept required to be levied upon each person respectively according to the requirements of such precept, and to levy and collect the amount of such Execution rate from such persons respectively, in the same manner as such general annual rate is by law directed to be levied and collected by such Collectors, and to return such precept with the amount so levied and collected thereon, after deducting his per centage therefrom, to such Sheriff within the same time as such Collectors are or shall by law be required to make the returns of the general annual rate aforesaid to the Chamberlain or Treasurer of such Municipal Corporation; Provided always nevertheless, firstly, that any surplus that shall remain in the hands of such Sheriff upon any such precept or precepts, after satisfying such Execution, and all interest, costs and fees thereon, shall by such Sheriff be paid over to the Chamberlain or Treasurer of such Municipal Corporation within ten days after the same shall be so received by him, and be applicable to the general purposes of such Municipal Corporation as the surplus of any other rate: And provided also, secondly, that the Clerk of such Municipal Corporation, and the several Assessors and Collectors of such Corporation, shall, for all purposes in any way connected with the carrying into effect or permitting or assisting such Sheriff to carry into effect the provisions of this Act, with respect to the satisfaction of any such execution, be taken and deemed to be Officers of the Court out of which such Writ of Execution issued, and as such shall be amenable to such Court, and may be proceeded against by Attachment or otherwise to compel the performance of the duties hereby imposed upon them as any other Officers of such Court may by law be proceeded against for a similar purpose.

Precepts to be issued to the Collectors.

Duty of Collectors under such precepts.

Return of precept.

Proviso as to surplus in hands of Sheriff after satisfying execution.

Proviso: Clerk and Assessors, &c., of Corporation to be considered as Officers of Court from which Writ issued, for certain purposes.

An annual account of debts of each Municipal Corporation to be submitted to the Governor General.

Particulars in such account.

CLXXX. And be it enacted, That every such Municipal Corporation shall, annually, on or before the thirty-first day of January in each year, transmit to the Governor General of the Province, through the Provincial Secretary thereof, in such form as shall from time to time be prescribed for that purpose, by any order of the Governor in Council, an account of the several debts of such Corporation as they may have stood on the thirty-first day of December preceding, specifying in such account the original amount of every such debt of which a balance remained due at that day, the date when such debt was contracted, the day of payment, the amount of interest to be paid therefor, the amount of the rate provided for the redemption and satisfaction of such debt and interest, the proceeds of such rate for the year ending on such thirty-

first day of December, the amount of such original loan redeemed and satisfied during such year, the amount of interest, if any, unpaid on such day, and the balance still due on the principal of such loan.

Provision for the appointment of a Commission to investigate financial affairs of Municipal Corporations upon due cause shewn.

Powers of the Commissioners.

Act of Canada 9 V. c. 38. cited.

As to expenses of Commission.

As to debts due by Municipal Corporations prior to 1st January, 1840 : a By-law may be passed with approval of the Governor in Council, &c.

Proviso as to Corporations which have lawfully issued Notes of Debentures intended to pass as money.

Proviso : present remedies of creditors not to be impaired.

CLXXXI. And be it enacted, That upon the petition of one third or upwards of the members of any Municipal Corporation created or to be created under the authority of this Act, it shall and may be lawful for the Governor of this Province if sufficient cause be shewn, by order in Council, to issue one or more Commission or Commissions under the Great Seal of this Province directed to such person or persons as he shall think fit, empowering them to enquire into the financial and monetary affairs of such Municipal Corporation and all things connected therewith, and the person or persons so named in such Commission or Commissions, or as many of them as shall be thereby empowered to act in the execution thereof, shall have all such powers for the conducting such inquiry now by law vested in Commissioners of Inquiry appointed under the Act of the Parliament of this Province passed in the ninth year of the reign of Her Majesty Queen Victoria, chapter thirty-eight, intituled, *An Act to empower Commissioners for inquiring into matters connected with the public business to take evidence on oath* ; and the expense of executing every such Commission of Inquiry to be settled and allowed by the Inspector General of this Province for the time being or his Deputy, shall be borne by such Municipal Corporation, and so soon as the same shall be so settled and allowed as aforesaid, shall be a debt due to the Commissioner or Commissioners named in such Commission, to be provided for and paid by such Municipal Corporation as any other debt due by them in their corporate capacity, and upon default in payment of the same within three calendar months from the same having been demanded by such Commissioner or Commissioners, or any one of them, at the office of the Chamberlain or Treasurer of such Municipal Corporation, shall be recoverable against such Municipal Corporation as any other debt.

CLXXXII. And be it enacted, That with respect to any debt *bonâ fide* due by any District Municipal Council, City, Town or Village Council or Board of Police in Upper Canada, prior to the first day of January, one thousand eight hundred and forty-nine, it shall and may be lawful for the Municipal Corporation by this Act substituted for such District Municipal Council, City, Town or Village Council or Board of Police, at any time within one year after the time appointed for this Act to commence, to pass a By-law providing for the liquidation of such debt, and upon such By-law being approved by the Governor of this Province in Council, none of the provisions of this Act by which increased facilities are provided for the recovery of debts due by such Municipal Corporation shall be applicable to such debts or any of them, until after default shall be made by such Municipal Corporation in raising the necessary funds for the discharge of such debts, or in applying such funds when so raised to the discharge of the same according to the provisions of such By-law ; Provided always nevertheless, first, that nothing herein contained shall extend or be construed to extend, to prevent any such Corporation in any such By-law where such Corporation may have heretofore issued Promissory Notes or Debentures to pass as money and which are still in circulation, to provide some mode for their gradual extinction by redeeming a certain portion thereof annually, and by substituting other Promissory Notes or Debentures in the place of such as remain unredeemed from time to time as they fall due, when the holders thereof are willing to receive the same in exchange till the whole of such Notes or Debentures are fully and completely redeemed and satisfied according to the provisions of such By-law ; And provided also, secondly, that nothing herein contained shall extend or be construed to extend to deprive any of the Creditors of such Municipal Cor-

poration of all such remedies as they now by Law possess for the recovery of such debts against the District Municipal Council, City, Town or Village Council or Board of Police, which they may be owed, all which remedies they shall continue to have against the Municipal Corporations substituted for such District Municipal Council, City, Town or Village Corporation.

CLXXXIII. And be it enacted, That it shall not be lawful for any of the Municipal Corporations to continue or be incorporated under the authority of this Act to act as Bankers, or to issue any Bond, Bill, Note, Debenture or other undertaking, of what nature or kind soever, or in what form soever, in the nature of a Bank Bill or Note, or for the payment of any money intended to form a circulating medium to supply the place of specie, or otherwise pass as money; nor shall it be lawful for any of such Municipal Corporations to make or give any Bond, Bill, Debenture or other undertaking for the payment of any loan contracted by such Corporation, or of any debt due by such Corporation, or of any part of such loan or debt, of a less amount than twenty-five pounds of lawful money of Canada; and if any such first mentioned Bond, Bill, Note, or Debenture or other undertaking, shall be issued or put in circulation by any such Municipal Corporation or under its direction or authority, or under the direction or authority of any of its officers or servants, or of any other person or persons whomsoever, or if any such last mentioned Bond, Bill, Debenture or other undertaking, shall be made or given by any such Municipal Corporation for the payment of a less amount of money than twenty-five pounds as aforesaid, every such Bill, Bond, Note, Debenture or undertaking, shall be absolutely null and void to all intents and purposes whatsoever; Provided always nevertheless, that nothing in this section contained shall extend or be construed to extend, to any Bond, Bill, Note, Debenture or other undertaking, to be issued under the authority of any such By-law as shall or may be passed with the consent of the Governor of this Province in Council, for providing for the payment and satisfaction of certain debts mentioned in the last preceding section of this Act.

CLXXXIV. And be it enacted, That every person who shall issue or make, or assist in the issuing or making of any such Bonds, Bills, Notes, Debentures, or undertakings for the payment of money contrary to the provisions of the next preceding section of this Act, and every person who shall knowingly utter or tender in payment or in exchange, any of such Bonds, Bills, Notes, Debentures or undertakings for the payment of money, shall be guilty of a misdemeanor, as provided in and by the third section of the Act of the Parliament of the late Province of Upper Canada, passed in the seventh year of the reign of His late Majesty King William the Fourth, Chapter thirteen, and intituled, *An Act to protect the public against injury from Private Banks.*

CLXXXV. And be it enacted, That all persons committing any offence against any By-law lawfully made by any Municipal Corporation under the authority of this Act, and with regard to prosecutions for which no other provision is hereby made, may be prosecuted in a summary way before any one or more Justices of the Peace, having jurisdiction within the locality in which the offender shall be resident, or within that in which the offence was committed, and such Justice or Justices, or other authority, before whom any conviction for any such offence shall be had (and any such offender may be convicted on the oath or affirmation of any competent witness other than the prosecutor or informer) shall have full power and authority to award the penalty or the imprisonment, as the case may be, imposed by the By-law under which the conviction shall be had, with the costs of prosecution, against the offender, and to commit the offender to the common gaol if the offence be punishable by imprisonment, and to cause the penalty to be

Municipal Corporations not to act as Bankers or to issue Bonds, &c., to pass as money.

Nor give any Bond, &c., of a less amount than £25.

Penalty for contravening this section.

Proviso as to Bonds, &c., issued with approval of Governor in Council.

Any person issuing, making or uttering Bonds contrary to this Act, to be guilty of misdemeanor.

Act of U. C. 7 W. 4. c. 13.

Punishment of persons offending against By-laws, where no other provision is made, and how enforced.

Penalty how levied.

How applied.

Proviso: prosecution may be brought in name of Corporation.

Proviso as to Members of the Corporation being Justices of the Peace.

Officers, &c., of Corporation, competent witnesses and jurors, in cases in which the Corporation shall be a party.

Corporations not to stop up original allowances for roads.

When any other road is altered, the site of the old road may be sold by Corporation to the party next whose land it runs, &c.

Proviso: who shall have the first offer.

As to parties having given land for roads without compensation.

Roads not to exceed ninety nor be less than forty feet in breadth.

levied with costs, if not forthwith paid, by distress and sale of the goods and chattels of the offender, by Warrant under the hand and seal of such Justices or one of them, or of the Chairman or Presiding Officer of the Court before whom such conviction was had; and one moiety of any such pecuniary penalty shall go to the informer or prosecutor, and the other Moiety shall be paid to the Treasurer or Chamberlain of the Corporation against the By-law whereof the offence shall have been committed, and shall form part of the funds at the disposal of such Corporation: Provided always, firstly, that any such prosecution may be brought in the name and on the behalf of such Corporation as aforesaid, and in that case the whole of such pecuniary penalty shall be paid to the Treasurer or Chamberlain of such Corporation, and form part of such funds as aforesaid: And provided also, secondly, that any member of the Municipal Corporation, under the By-law whereof any such prosecution as aforesaid shall be brought, being, *ex officio* or otherwise, a Justice of the Peace within such locality, may act as such with regard to such prosecution.

CLXXXVI. And be it enacted, That as well with regard to any such prosecution as to any suit, action or proceeding to which any Corporation created or to be created by or under this Act shall be a party, no member, officer or servant of such Corporation shall be deemed an incompetent witness, nor shall his testimony be objected to on the ground of his being interested in the matter, as such member, officer or servant of such Corporation, nor shall he be liable to challenge on such ground as a juror, if he have no more direct interest in the issue of such suit or prosecution, or be not otherwise rendered incompetent; any law, usage or custom to the contrary notwithstanding.

CLXXXVII. And be it enacted, That it shall not be competent to the Municipality of any Township or to the Municipal Council of any County, to pass any By-law for stopping up any original allowance for Roads in any Township or County, nor on the limits of any Village, Town or City therein.

CLXXXVIII. And be it enacted, That on the alteration of any Road under the authority of this Act where the Road thus altered shall not have been an original allowance for Road, or where the same shall lie within any Incorporated Village, Town or City or the liberties thereof, the site of such old Road shall and may be sold and conveyed by the Municipal Corporation under whose authority the alteration was made, to the party or parties next adjoining to whose land or lands the same shall have run, or in case of his, her or their refusal to become the purchaser or purchasers thereof at such price or prices respectively as such Municipal Corporation shall think reasonable, then, to any other person or persons whomsoever; provided always, nevertheless, that it shall not be lawful for any such Municipal Corporation to sell and convey any such old Road or any part thereof to any other than the person or persons first mentioned at any given price until such first mentioned person or persons shall have refused to become the purchaser or purchasers thereof at such price; And in case the person or persons now in possession of any Concession Road or Side Line may have laid out Streets in any City, Town or Village without any compensation therefor, he shall be entitled to retain the land within such City, Town or Village originally set apart for such Concession Road or Side Line in lieu of the Street set apart by him in place of the said Concession Road or Side Line.

CLXXXIX. And be it enacted, That no Road to be hereafter laid out, under the authority of this Act shall be more than ninety feet nor less than forty feet in width; provided always, that nothing in this section shall extend or be construed to extend to affect any Road now established

under the provisions of any Act heretofore in force in Upper Canada, nor when any Road shall be altered under the authority of this Act to prevent such altered Road from being laid out, of the same width as the old one.

Proviso as to Roads now established.

CXC. And be it enacted, That all powers, duties or liabilities vested in or belonging to the Magistrates in Quarter Sessions, with respect to any particular Highway, Road or Bridge in Upper Canada at the time this Act shall come into force, shall from thenceforth become and be vested in and belong to the Municipal Corporation of the County in which such Highway, Road or Bridge shall lie, or in case of such Highway, Road or Bridge lying within two or more Counties, shall be vested in and belong to the Municipal Corporations of both such Counties, subject always to the provisions of this Act as to the mode and manner of exercising, performing and meeting such powers, duties and liabilities, and all rules and regulations made and directions given by such Municipal Corporation or Corporations in the premises shall have the like force and effect to all intents and purposes whatsoever, as those which such Magistrates had previously the power of making or giving respecting the same, and neglect of or disobedience to any such rules, regulations or directions so to be made or given by such Municipal Corporation or Corporations, shall subject the defaulter or defaulters in the premises to the like penalties, forfeitures and other consequences both civil and criminal as such neglect of or disobedience to similar rules, regulations or directions of such Magistrates would have subjected them to, previous to this Act coming into force.

Powers, &c., of Magistrates in Quarter Sessions with respect to Highways, &c., vested in Municipal Corporations.

As to rules and regulations made by them.

CXCI. And be it enacted, That it shall and may be lawful for any of the Municipal Corporations, created or to be created under the authority of this Act, to authorize by By-law any person or persons who may be willing to contract with them, for that purpose, to plank, gravel or macadamize any road or to build any bridge, which, under the provisions of this Act, any such Municipal Corporation would themselves have a legal right to plank, gravel, macadamize or build, and to grant to such person or persons in consideration or part consideration of the execution of such work, the tolls to be levied on the same after it shall have been completed; Provided always, firstly, that the rate of tolls to be taken upon such work, shall in all cases be fixed by By-law of such Municipal Corporation, and not be in the discretion of such person or persons so contracting as aforesaid; And provided also, secondly, that no such tolls shall be leviable until such Municipal Council shall by a subsequent By-law have declared that the work contracted for has been completed, and that the tolls may be collected thereon accordingly; And provided also, thirdly, that the grant of such tolls shall in no case be for a longer period than ten years from the time of the passing of such last mentioned By-law by which the levying of such tolls shall become lawful; And provided also, fourthly, that it shall be the duty of such person or persons during the period that his or their right to levy tolls under such By-law shall continue, to keep and maintain such road or bridge in good and proper repair; And provided also, fifthly, that none of the powers and privileges conferred by an Act passed in this present Session of Parliament, intituled, *An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other Works in Upper Canada*, shall extend to confer upon any Company formed or pretended to be formed under the authority of that Act, any power of interference with any authority conferred by any such By-law upon any person or persons under the authority of this section.

Corporation may authorize persons to plank, &c., Roads, or build Bridges within their jurisdiction.

Proviso: Tolls to be fixed by Corporation.

Proviso: tolls not leviable until the work is completed.

Proviso: tolls not to be granted for more than ten years.

Proviso: persons receiving tolls, to keep roads, &c., in repair.

Proviso as to companies formed under the general Act of this Session.

CXCII. And be it enacted, That it shall not be lawful for any of such Municipal Corporations to make any By-law for the stopping up, altering, widening or diverting any public highway, road, street or lane until they shall have caused at least one calendar month's notice to have been

Corporation not to stop up Roads, &c., without one month's notice, &c.

given by written or printed notices put up in the six most public places in the immediate neighbourhood of such highway, road, street or lane, nor until they shall have heard in person or by counsel or attorney, any person through whose land such highway, road, street or lane, or proposed highway, road, street or lane shall run, and who may claim to be so heard before them: Provided always, nevertheless, that nothing either in this section or in any other of the provisions of this Act shall extend or be construed to extend to give any power or authority whatsoever to any of the Municipal Corporations erected or to be erected under the authority of the same, to interfere in any way with any of the public roads or bridges in Upper Canada, which by Act of Parliament or otherwise, now are or hereafter may be vested in Her Majesty, or in any public department or board of Her Majesty's Provincial Government as a Provincial public work; with respect to all and every which Provincial public works whether roads or bridges, all and singular the powers by this Act conferred upon or vested in such Municipal Corporations, with respect to other roads and bridges within the limits of their respective jurisdictions, shall be and the same are hereby vested in and shall and may from time to time and at all times hereafter be exercised by the Governor of this Province in Council with respect to such Provincial public roads and bridges and every of them, by such orders in Council as shall or may from time to time be made for that purpose.

Proviso: Corporations not to interfere with Roads, &c., vested in Her Majesty or any public department.

Powers of Governor in Council as to such Roads.

Corporations not to interfere with the alignment, &c., of Roads laid out by the Ordinance, &c., except by consent.

Corporations not to run Roads through Ordinance property or interfere with the defences of the Province, &c., except by consent.

CXCIII. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to give any power or authority whatsoever to any of the Municipal Corporations erected or to be erected under the authority of the same, to pass any By-law for the direction or alignment, stopping up or altering of any of the streets, lanes or thoroughfares which have been or hereafter shall or may be made or laid out by the Department of Her Majesty's Ordinance, or to the interfering in any manner with any bridges, wharves, docks, quays or other works constructed by or under the direction of Her Majesty's Ordinance, or on the land held by Her Majesty and reserved for military purposes, until the consent in writing of the Head Quarter Board of Officers of Her Majesty's Ordinance acting in Canada, shall be first had and obtained authorizing such intended By-law to extend to Ordinance Property.

CXCIV. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to give any power or authority whatsoever to any of the Municipal Corporations erected or to be erected under the authority of the same, to pass any By-law to open any street, road or lane through any lands held by Her Majesty or on Her behalf in respect of the Ordinance, or to interfere with, prejudice or weaken the right of Her Majesty in respect of such Ordinance property, or to interfere with the integrity of the public defences as connected with such property, unless the consent of the Head Quarter Board of Officers of Her Majesty's Ordinance acting in Canada shall be first had and obtained, such consent and all other consents required by this Act in regard to Ordinance property to be given in writing under the hands of the Head Quarter Board of Officers of Her Majesty's Ordinance acting in Canada, and that they are such Head Quarter Board of Officers shall be certified under the hand of the Commander of the Forces in Canada for the time being, and every such consent and certificate shall be recited in such By-law.

In case it shall be necessary for Roads to pass over, &c., private property, arbitrators to be appointed.

CXCV. And be it enacted, That upon the passing of any By-law, by any Municipal Corporation erected or to be erected under the authority of this Act for the purpose of authorizing the opening any road, street or other public thoroughfare, or of changing, widening or diverting any road, street or public thoroughfare so as to cause the same or any part thereof to go through or be placed upon or injuriously to affect the land

or other real property of any person or persons, it shall and may be lawful for the person or persons who shall own such property to name an arbitrator, and give notice thereof in writing to the Clerk of such Corporation, and the Head of the Corporation shall, within three days after such notice, name an arbitrator on behalf of such Corporation, and give notice thereof to the person or persons owning the said property and appointing such arbitrator as aforesaid, and the two arbitrators shall, within three days thereafter, appoint a third arbitrator, and the said three arbitrators, or the majority of them, shall have power to determine upon and award the amount of damages (if any) to be paid to such person or persons as aforesaid, and their award shall be binding on such person or persons, and on the said Corporation respectively, so as such award be made in writing within three calendar months after the appointment of the third arbitrator as aforesaid: Provided always nevertheless, firstly, that every such submission and award shall be subject to the jurisdiction of Her Majesty's Court of Queen's Bench for Upper Canada, in the same manner and to the same extent for all purposes whatsoever as if there had been a submission of the matters in difference by bond between the parties containing an agreement that such submission should be made a rule of that Court: And provided also, secondly, that if the Head of such Corporation shall neglect to appoint an arbitrator for the Corporation within such time as aforesaid, or the said two first mentioned arbitrators shall be unable to agree, or shall not agree upon and appoint a third as aforesaid, or the said three arbitrators, or the majority of them, shall be unable to agree, or shall not agree upon an award within the time aforesaid, then and in every such case, it shall and may be lawful for such person or persons, so interested as aforesaid, to institute a special action on the case at law against the Municipal Corporation by which such By-law shall have been passed, and such action shall be sustainable, whether any entry shall be made under such By-law or not, or whether any use shall be made of such property under such By-law or not, and if no such entry or use other than for the purposes of survey shall be proved at the trial of any such action, then the Judge who shall try the same shall certify the want of such proof upon the record, and in such case it shall and may be lawful for such Municipal Corporation, at any time after such trial, and until four calendar months after the rendering judgment upon such verdict, to repeal such By-law, and to tender and pay to the Plaintiff in such action, or to the Plaintiff's Attorney, the taxed costs of the said Plaintiff in such action, and from and after such tender or payment, the Municipal Corporation against whom such action shall be brought shall be discharged from the damages which shall be assessed in such action, and the land or other real property which shall be proposed to be taken by any such first mentioned By-law, shall be and remain as if no such By-law had been passed; and no entry or other use of such land or real property, for the purposes of such first mentioned By-law, shall be lawful after the assessment of such damages by the Jury, until the amount of the damages assessed, and the costs of the Plaintiff in such action, shall have been levied by the Sheriff, or paid, or discharged, or lawfully tendered to the Plaintiff or the Attorney for the Plaintiff in such action.

Arbitrators to fix the compensation if any.

Proviso: Awards subject to Court of Q. B.

Proviso: in case of neglect of Head of Corporation to appoint arbitrator, &c., party interested may sue Corporation, &c.

Action sustainable without proving entry.

By-law may then be repealed, and costs tendered, &c.

No entry allowed until damages and costs be paid.

CXCVI. And be it enacted, that if a tender shall be pleaded, and if upon the trial of any such action it shall be proven to the satisfaction of the Jury that a lawful tender shall have been made to the Plaintiff or to the Plaintiff's Attorney of a compensation or sum equal to or greater than the amount of the damages assessed by such jury, the said jury shall find such tender by their verdict, and in case of such finding, the costs of the defendant in such action, incurred after such tender, shall

If a lawful and sufficient tender be proven by defendant, all costs subsequent thereto to be borne by plaintiff.

be borne by the plaintiff, and the plaintiff in such case shall receive no costs, for any proceedings subsequent to such tender.

In estimating damages, juries to take into consideration benefit to be derived by plaintiff from widening of Road, &c.

CXC VII. And be it enacted, That as well the arbitrators as the jury, in estimating the damages or compensation in any such submissions or actions, shall take into consideration any benefit or advantage which the plaintiff shall or may derive from the opening, widening or diverting any such road, street, or other public thoroughfare, and deduct the same from the damages or compensation; and in case the said benefit to be derived from the said opening, widening, or diverting such road, street, or public thoroughfare, shall be greater than the damages which shall be found to arise from the taking of such land or other real property, the award or verdict shall be for the defendant.

All By-laws to be authenticated by seal of Corporation, signature, &c.

CXC VIII. And be it enacted, That all By-laws made and passed by any Municipal Corporation under the authority of this Act, shall be authenticated by the Seal of the Corporation, and by the signature of the Head thereof, or of the person presiding at the meeting at which the same shall have been made and passed, and also by that of the Clerk of such Corporation; and any copy of any such By-law, written without erasure or interlineation, sealed with the Seal of the Corporation, and certified to be a true copy by the Clerk, and by any member of such Corporation for the time being, shall be deemed authentic, and shall be received in evidence in any Court of law or equity in this Province, without its being necessary to prove such seal or signatures, unless it shall be specially pleaded or alleged that the same or any of them are forged or counterfeit; and all debts, bonds, obligations and other instruments to be executed on behalf of any Corporation erected or to be erected by or under this Act, shall be valid if sealed with the Seal of the Corporation, and signed by the Head of such Corporation, or by such other person as shall by any By-law to be passed in that behalf, be authorized to sign the same on the behalf of the Corporation.

Effect of certified copies.

Bonds, &c., how to be signed and sealed, &c.

Original By-laws to be kept in Clerk's Office and open to the Public, &c.

CXC IX. And be it enacted, That the originals or certified copies of all By-laws and regulations made by any Municipal Corporation under the authority of this Act, and of all minutes of the proceedings of any such Corporation shall be kept in the office of their Clerk, and shall be open at all seasonable times and hours to the inspection of the public; and the said Clerk shall be bound to furnish copies thereof at the rate of six pence currency per hundred words, or at such lower rate as the Corporation shall appoint; and all meetings and proceedings of any such Corporation shall be held openly, and so that no person shall be prevented from being present thereat, except only when the public interest shall require the contrary.

As to Copies.

Meetings, &c., to be public.

Corporations of Cities using gaols, &c., of Counties within the limits whereof they are situate, to pay to the Corporations of such Counties for the use of the said Gaols, &c., a fair compensation—to be settled by arbitrators in case of disagreement.

CC. And be it enacted, That so long as any City or Town erected or to be erected under the authority of this Act, shall use or continue to use the Court House, Gaol, and House of Correction of any County within the limits or on the borders whereof such City or Town shall be situate, or any of them, the Municipal Corporation of such City or Town shall pay to the Municipal Corporation of such County, such annual sum of money for the same as shall be mutually agreed upon between them as a fair compensation for the use of such buildings or any of them, and in the event of such Corporations being unable to agree as to the amount of such compensation, then the same shall be settled by the award of three arbitrators, or the majority of them, to be appointed as follows, that is to say: one by the Municipal Corporation of such City or Town, another by the Municipal Corporation of such County, and the third by such two arbitrators thus appointed, or in the event of such two arbitrators omitting to appoint such third arbitrator within ten days next after

their own appointment, then by the Governor of this Province in Council, and the amount so settled shall be deemed a debt due by the Municipal Corporation of such City or Town to the Municipal Corporation of such County, and its payment shall be provided for as is hereby directed with respect to other debts of such Municipal Corporations in general, and in default thereof may be sued for and recovered as any such debts: Provided always, nevertheless, firstly, that in case either of such Corporations shall omit for one calendar month after they shall have been called upon for that purpose by the other of such Corporations, to appoint an arbitrator on their part as above provided, it shall and may be lawful for the Governor in Council to appoint an arbitrator on the part and behalf of such Corporation so neglecting to appoint such arbitrator, who shall in such case have all the same powers as if he had been appointed by such Corporation: And provided also, secondly, that whenever, after the lapse of five years from the making any such award, it shall appear reasonable to the Governor in Council, upon the application of either of such Municipal Corporations, that the amount of such compensation should be reconsidered, it shall and may be lawful for him, by an order in Council, to direct that the then existing arrangement respecting the same, whether it be by agreement of the parties or by award, shall cease after some time to be named in such order, after which the said Corporations shall proceed as at first, for the settlement either by agreement or arbitration, of the amount to be paid from the termination of such previous settlement: Provided also, thirdly, that every such submission and award shall be subject to the jurisdiction of Her Majesty's Court of Queen's Bench for Upper Canada, in like manner as if the same were by bond, with an agreement therein that such submission might be made a rule of that Court: And provided always, fourthly, that whenever at the time this Act shall come into force there shall be any subsisting agreement or other settlement, whether by Act of Parliament or otherwise, of the amount to be paid by any such City or Town for such Court House, Gaol or House of Correction, or any of them, the same shall be and continue in force as if it had been settled under the authority of this clause at the time that this Act shall have so come into force as aforesaid.

Proviso: Governor to appoint arbitrators in default of Corporations.

Proviso: after five years, Governor may order a new agreement.

Awards subject to Court of Q. B.

Proviso: existing agreements to remain in force as if settled under this Act.

CCI. And be it enacted, That the several Villages mentioned and named in the Schedule to this Act annexed marked A, shall respectively have such boundaries as shall or may be established and declared for such Villages respectively, in and by any Proclamation or Proclamations, to be in that behalf issued under the Great Seal of this Province, by order of the Governor thereof in Council, at any time on or before the first day of October next, after the passing of this Act, and shall by such boundaries be Incorporated Villages under this Act, and the several Towns mentioned and named in the Schedule to this Act annexed marked B, shall respectively have the boundaries set forth in the said Schedule, and shall be Towns under the provisions of this Act, and the Wards of such Towns shall respectively have the names and boundaries set forth in such Schedule in respect of such Towns; and that the several Cities mentioned and named in the Schedule to this Act annexed marked C, shall respectively have the boundaries both as respects such Cities and the liberties thereof set forth in the said last mentioned Schedule, and shall be Cities under the provisions of this Act, and the several Wards of such Cities shall, with the liberties attached to each respectively, have the names and boundaries set forth in the said last mentioned Schedule in respect of such Cities, and all and singular the names and boundaries of all such Villages, Towns and Cities and of the Wards of such Towns and Cities shall continue until the same shall be altered by competent authority in the manner in this Act set forth and provided.

Villages, Towns, &c., in the different Schedules and the Wards therein, to have the several boundaries therein set forth.

Recital.

CCII. And whereas the places mentioned in the Schedule to this Act annexed marked D, and intituled, "Towns with Municipalities only or without any Municipal organization," from having been the places where the assizes have been usually held, or from being the seats of the local Courts, or from having been named as Towns in Acts of Parliament, or from other causes, are or are generally reputed to be Towns, and it is inexpedient to deprive them of that distinction or to subject them to the more extensive organization in and by this Act provided for, either Towns or Villages in general until by the increase of their inhabitants they shall respectively become desirous of and entitled to such extended organization respectively as they would be under this Act, were they only Villages or Hamlets respectively: Be it therefore enacted, That the several Towns mentioned in the said Schedule, with such limits and boundaries as shall be established and declared for such Towns respectively, in and by any Proclamation or Proclamations to be in that behalf issued under the Great Seal of this Province by order of the Governor thereof in Council at any time on or before the first day of October next after the passing of this Act, shall be and continue to be Towns as heretofore, but neither the provisions of this Act applicable to Towns only, nor any Act, nor any of the provisions of any Act to be passed this Session, or at any time hereafter referring to Towns generally, shall thereby extend or be construed to extend to any of such Towns; Provided always, nevertheless, that it shall and may be lawful for the Governor of this Province in Council at any time by Proclamation under the Great Seal thereof, to extend the limits of any of the Towns mentioned in the said Schedule D, to divide such Town into Wards, and to extend to such Town all the provisions of this Act and of all other Acts applicable to Towns in general, whereupon the provisions of this Act and of all such other Acts shall extend to such Town as if such Town with its limits and divisions had been set forth in the Schedule to this Act annexed marked B.

How this Act shall apply to certain Towns in Schedule D.

All the provisions of this Act may be extended by Proclamation to such Towns.

As to Towns mentioned in first division of Schedule D. incorporated.

CCIII. And be it enacted, That the inhabitants of each of the Towns mentioned in the first division of the said Schedule marked D, shall be a Body Corporate apart from the Township or Townships in which such Town shall be situate, and as such shall have perpetual succession and a Common Seal, with all such powers within the limits of such Town as are by this Act conferred upon the inhabitants of Incorporated Villages, and the powers of the Corporation of such Town shall be exercised by, through, and in the name of the Municipality of such Town, and all the provisions of this Act, and of all other Acts hereafter to be passed applicable to Incorporated Villages, and the Municipalities thereof, shall apply to such Town and the Municipality thereof.

Provision with respect to the incorporation of towns mentioned in second division of Schedule D. on certain conditions.

CCIV. And be it enacted, That each of the Towns mentioned in the second division of the said Schedule marked D, shall be and continue a part of the Township or Townships within which the same shall be respectively situate, and shall be and continue subject to the jurisdiction of the Municipality or Municipalities of such Township or Townships as if the same was an unincorporated Village or Hamlet, and that when by the census returns, it shall appear that any of such last mentioned Towns and any portion of a Township or Townships, which from the proximity of streets and buildings, may conveniently be attached to such Town, shall together contain one thousand inhabitants or upwards, it shall and may be lawful for any number of the resident freeholders or householders of such Town, not less than one hundred, to petition the Governor of this Province that the inhabitants of such Town may be incorporated, and upon such petition it shall be lawful for the Governor of the Province by an order in Council to issue a Proclamation under the Great Seal of the Province, setting forth the boundaries of such Town, and including within

Petition.

Proclamation.

such boundaries any such portion or portions of the said adjacent Township or Townships as from the proximity of streets or buildings as aforesaid may conveniently be attached to such Town as aforesaid, and the inhabitants of such Town as embraced within such new and extended boundaries, shall, on from and after the first day of January next after the end of three calendar months, from the *teste* of such Proclamation, be incorporated apart from the Township or Townships in which it is situate, and shall no longer be subject to the jurisdiction of the Municipality or Municipalities of such Township or Townships, and as such Corporation, shall have perpetual succession and a Common Seal, with all such powers within the limits of such Town as are by this Act conferred upon the inhabitants of any Incorporated Village, and the powers of the Corporation of such Town shall be exercised by, through and in the name of the Municipality of such Town; and all the provisions of this Act and of all other Acts hereafter to be passed applicable to Incorporated Villages in general, and the Municipalities thereof, shall apply to such Town and the Municipality thereof as if the same were mentioned in the Schedule to this Act annexed marked A.

When such Proclamation shall take effect, and what its effect shall be.

CCV. And be it enacted, That whenever by the census returns it shall appear that any of the Towns mentioned in the said Schedule marked D, which shall have been then already incorporated under the provisions of this Act as aforesaid, and any portions of the Township or Townships which, from the proximity of streets and buildings, may conveniently be attached to such Town, shall together contain five thousand inhabitants or upwards, it shall and may be lawful for the Municipal Corporation of such Town to petition the Governor of this Province that the limits of the said Town may be extended, and that the same may be divided into Wards, and upon such petition it shall be lawful for the Governor of the Province, by an order in Council, to issue a Proclamation under the Great Seal of the Province, extending such limits and dividing such Town into Wards accordingly, and from and after the first day of January next, after the end of three calendar months from the *teste* of such Proclamation, all the provisions of this Act and of all other Acts hereafter to be passed applicable to Incorporated Towns in general or to the Town Councils thereof, shall apply to such Town and Town Council thereof, as if the same were mentioned in the Schedule to this Act annexed marked B.

Provision with respect to the division into Wards of certain Towns in Schedule D. on certain conditions.

Petition.

Proclamation.

CCVI. And be it enacted, That for and notwithstanding any thing in this Act contained, the Municipal Corporation or other Municipal bodies or authorities of the several Counties, Unions of Counties under the name of Districts, Cities, Towns, Townships and Villages in Upper Canada, existing immediately previously to the first day of January, which will be in the year of our Lord one thousand eight hundred and fifty, and all and singular the members, officers, and servants of the same respectively, shall, upon and from the said first day of January, in the year aforesaid, until the fourth Monday of the same month, continue to have exercise and perform all and singular the Municipal and other powers, functions and duties which immediately previous to such first day of January shall or may by law have been vested in them respectively, to all intents and purposes, as if this Act had not been passed.

Corporations, &c., of Districts, &c., existing immediately previous to 1st January, 1850, to remain until 4th Monday of that month.

Powers of Members, &c., to continue.

CCVII. And be it enacted, That any Proclamation to be issued under the authority of this Act, for the incorporation of any Village, for erecting any Village into a Town, or for erecting any Town into a City, shall have force and effect upon, from and after the first day of January next, after the end of three calendar months from the *teste* of such Proclamation, and not before, except only as regards any thing to be done preparatory to the election to be held in consequence of such Proclamation,

Proclamations incorporating Villages, &c., when to take effect.

with regard to which such Proclamation shall have force and effect from the time of the *teste* thereof.

Provisions of this Act as to property qualification when to take effect.

Who may vote or be elected in the mean time.

In incorporated Towns, &c.

In unincorporated Towns, &c.

Proviso as to places where a Registration of voters exists.

Proviso as to first elections.

Acts, &c., inconsistent with this Act, repealed.

Interpretation of word "Governor," &c.

CCVIII. And be it enacted, That no provision in the foregoing enactments of this Act which requires that any person be possessed of any property qualification, or be assessed for any particular amount in order to his having a right to vote or to be elected at any election to be held under the authority of this Act, shall have any force or effect, unless or until some Act be passed by the Parliament of this Province in the present or some future session thereof to provide for the regulation of assessments, and the levying and collecting of local taxes in Upper Canada, and to repeal the general provisions of the Acts heretofore in force for that purpose, but all such persons as have heretofore had the right to vote or be elected at the annual elections of Parish and Township Officers, for the several Townships in Upper Canada, shall have the right of voting and being elected for the Township and Village Councillors to be elected under this Act, and such persons as have heretofore had a right to vote or be elected at the Municipal Elections of any City, Town or Village heretofore incorporated, or having a Board of Police established by law for the same, shall have the right of voting and being elected for the City, Town or Village, Aldermen and Councillors to be elected under this Act for such City, Town or Village respectively; and the persons entitled to vote or be elected at the Municipal Elections of every Town and Village not incorporated as aforesaid before the passing of this Act, shall be the resident male inhabitants, being either householders or freeholders of such Town or Village of the age of twenty-one years or upwards, being subjects of Her Majesty by birth or naturalization, and who shall have resided in such Town or Village for six calendar months next previous to the holding of the said election, and who shall have been rated on the Assessment Roll of the said Town or Village as householders or freeholders for the year previous to such election. Provided also, that where the system of the registration of votes exists at the passing of this Act in any City or Town, the same shall continue under the Act or Acts providing such registration, until altered by any Act as aforesaid; and provided also, that whether any such new Act for regulating assessments in Upper Canada, shall or shall not be passed prior to this Act coming into force, the persons hereinbefore described as entitled to elect and be elected under this Act (until such new assessment law shall have passed as aforesaid,) shall be those entitled to elect and be elected respectively at the first elections to be held under this Act.

CCIX. And be it enacted, That all Acts and parts of Acts and provisions of law, either of the Parliament of this Province, or of the Parliament of the late Province of Upper Canada, and all Acts, By-laws, Rules and Regulations thereupon passed by any Township Meeting, District Council, Board of Police, Town or City Council in Upper Canada, in force in Upper Canada immediately before the time when this Act shall come into force, in so far as the same may be inconsistent with or contradictory to the provisions of this Act, or which make any provisions in any matter provided for by this Act, other than such as is hereby made in such matter, shall be and they are hereby repealed, and shall cease to be in force upon, from and after the day when this Act shall come into effect.

CCX. And be it enacted, That the word "Governor" wherever it occurs in this Act, shall be understood to mean and include the Governor, Lieutenant-Governor, or Person Administering the Government of this Province for the time being; the words "Upper Canada," shall be understood to mean and include all that part of this Province which

formerly constituted the Province of Upper Canada; and words importing the singular number or the masculine gender only, shall be understood to include more than one person, matter or thing of the same kind as well as one person, matter or thing, and females as well as males, unless it be otherwise expressly provided, or there be something in the subject or context repugnant to or inconsistent with such construction; and all other words, terms or phrases shall receive such fair and liberal construction as shall be best adapted to carry out this Act according to its true intent, meaning and spirit.

How this Act shall be construed.

CCXI. And be it enacted, That this Act may be amended, altered or repealed by any Act to be passed in his present session of Parliament.

Act may be amended &c., in this Session.

SCHEDULE A.

VILLAGES.*

Villages.

- | | |
|--------------|---|
| 1. Chippawa. | 4. Paris. |
| 2. Galt. | 5. Richmond, (in the County of Carleton.) |
| 3. Oshawa. | 6. Thorold. |

SCHEDULE B.

Towns.

1. *Belleville*.—To consist of all that part of this Province situate within the County of Hastings and lying within the following limits, that is to say:

BELLEVILLE.

Commencing at the limits between Lots numbers six and seven in the first concession of the Township of Thurlow, at low water mark of the Bay of Quinte; thence, northerly along the side line between lots numbers six and seven to the second concession road; thence, westerly, along the said second concession line to the westerly boundary of lot number one in the said first concession of Thurlow; thence, southerly, on the town line between Townships of Thurlow and Sidney to the Bay of Quinte; thence, easterly, along the shore of the said Bay to the place of beginning; together with the Harbor, Islands and Marshes in front of the said Town.

Limits.

The said Town to be divided into four Wards to be called respectively Samson Ward, Ketcheson Ward, Baldwin Ward, and Coleman Ward, and to comprise the following portions of the said Town respectively, that is to say:

Wards, four.

The said Samson Ward to comprise all that part of the said Town which lies to the south-east of Bridge Street, on the north side of the river Moira.

Samson Ward.

The said Ketcheson Ward to comprise all that part of the said Town which lies north-west of bridge, and south-east of Pinnacle Street on the north side of the said river.

Ketcheson Ward.

The said Baldwin Ward to comprise all that part of the said Town which lies north-west of Pinnacle Street, on the north side of the said river, to the limit of the said Town.

Baldwin Ward.

And the said Coleman Ward to comprise all that part of the said Town which lies on the west side of the said river Moira.

Coleman Ward.

* For the Boundaries of these Villages, see pages 78 and 80.

BRANTFORD.

2. *Brantford*.—To consist of all that part of this Province situate within the county of Wentworth and lying within the following limits, that is to say :

Limits.

Commencing on the north side of Colborne Street, in the eastern limit of the said town as originally laid out by the authority of the government of the late Province of Upper Canada; then, north, eighteen degrees thirty minutes east, seventy-nine chains forty-five links, more or less, to the north-east angle of the said town as laid out by the government as aforesaid; then, south, eighty-four degrees thirty minutes west, eighty-two chains twenty-eight links, more or less, to the north-west angle of the said Town as laid out by the government as aforesaid, and to the eastern limit of a certain tract of twelve hundred acres of land originally granted by the Crown to Abraham Kennedy Smith and Margaret Kerby; then, south, twenty-seven degrees thirty minutes west, eight chains, more or less, to the south-east angle of a parcel of land belonging to Peter O'Banyon; then, north, sixty-two degrees thirty minutes west, sixty chains, more or less, to the western limit of the said lands granted by the Crown to the said Abraham Kennedy Smith and Margaret Kerby; then, south, twenty-seven degrees thirty minutes west, one hundred and eight chains, more or less, along the western limit of the said lands to the Grand River; then, across the Grand River obliquely with the stream in an easterly direction, and passing south of the large Island about thirty chains, to the limit between the farm lands of Thomas Mair, and the north part of the Brant Farm, granted by the Crown to William Johnson Kerr; then, south, twenty-seven degrees twenty-five minutes west, forty-two chains, more or less, to the rear of the lots on the south side of Burford Street on the plank road; then, south, sixty-eight degrees east thirty-nine chains, more or less, to the east side of the Mount Pleasant road and south side of Walnut Street on the lands of Daniel Mercer Gilkison; then, north, forty-three degrees thirty minutes east, thirty-six chains, more or less, along the south side of Walnut Street to the Grand River; then, easterly, along the south side of the Grand River, with the stream about thirty chains to opposite the mouth of the Cove; then, east, across the Grand River to the south side of the mouth of the said Cove; then, north-easterly along the easterly side of the said Cove about twenty chains to the southern limit of the lands of the Grand River Navigation Company; then, easterly, along the south boundary of the said Grand River Navigation Company's Lands, about fifty-five chains, to the western limit of the Mohawk Parsonage Glebe; then, north, five degrees thirty minutes west, forty-five chains, more or less, to the place of beginning.

Wards, five.

The said Town to be divided into five Wards to be called respectively, King's Ward, Queen's Ward, Brant Ward, East Ward and North Ward—and to comprise the following portions of the said Town respectively, that is to say :

King's Ward.

The said King's Ward to comprise all that part of the said Town which lies between Cedar Street and King Street, and north of the Canal, together with all that part of the said Town lying south of the Grand River.

Queen's Ward.

The said Queen's Ward to comprise all that part of the said Town which lies north of the Canal, and between King Street and Market Street to their intersection with West Street.

Brant Ward.

The said Brant Ward to comprise all that part of the said Town which lies north of the Grand River, and south of the Canal as far eastward as Alfred Street, and north of the Canal, and between Market and Alfred Streets.

East Ward.

The said East ward to comprise all that part of the said Town which lies east of Alfred Street.

And the said North Ward to comprise all that part of the said Town which lies north of the Grand River (including the two large Islands in the River,) and west of Cedar Street, and West Street from its intersection with Cedar Street. North Ward.

3. *Brockville.*—To consist of all that part of this Province situate within the County of Leeds, and lying within the following limits, that is to say: BROCKVILLE.

Comprising that part of the Township of Elizabethtown known as the front halves of Township lots numbers ten, eleven, twelve and thirteen, and of the West half of Township lot number nine, and of the east half of Township lot number fourteen in the first concession of the said Township, extending the same respectively to the water's edge of the River St. Lawrence, together with such parts of the water of the said River, and of the land under the said water as lies in front of the said lots within three hundred yards of the said water's edge, and also including the small Island in front of the said Town on which a block house is now built, and all Public Roads and Highways running through or by any of the said half lots within the exterior limits thereof. Limits.

The said Town to be divided into three Wards to be called respectively, East Ward, West Ward and Centre Ward, and to comprise the following portions of the said Town respectively, that is to say: Wards, three.

The said Centre Ward to comprise all that part of the said Town known as the front half of the west half of the said Township lot number eleven, and of the front half of the east half of the said Township lot number twelve, in the first concession of Elizabethtown aforesaid, extending the same respectively to the water's edge of the said River Saint Lawrence, together with such parts of the water of the said River and of the land under the said water as lies in front of the said last mentioned half lots and within three hundred yards of the said water's edge, and including the said small Island. Centre Ward.

The said West Ward to comprise all that part of the said Town which lies to the west of the said Centre Ward. West Ward.

And the said East Ward to comprise all that part of the said Town which lies east of the said Centre Ward. East Ward.

4. *Bytown.*—To consist of all that part of this Province situate within the County of Charleton, and lying within the following limits, that is to say: BYTOWN.

Commencing at the waters of the River Rideau on the line which divides Lots E and F in concessions D and C, and thence in a continuous direct line, across lot number forty, to the side-line dividing lots numbers thirty-nine and forty; thence, following the said line northerly in the first concession, to the line dividing concession A and the first concession, and in concession A embracing the whole of the broken lot number thirty-nine to the river Ottawa, including all the islands down to the southerly end of the obain bridge; thence, following the waters of the Ottawa in the centre of the channel to the western branch of the waters of the river Rideau; thence, against the stream up the river Rideau to the place of beginning. Limits.

The said Town to be divided into three Wards to be called respectively East Ward, Centre Ward and West Ward, and to comprise the following portions of the said Town respectively, that is to say: Wards, three.

Lower Bytown shall comprise that portion of the said Town which lies easterly from the Rideau Canal, and shall constitute two Wards by the names of East Ward and Centre Ward. Lower Bytown.

East Ward.

The said East Ward to comprise all that portion of the said Lower Town which lies east of the centre of Dalhousie Street, so far as the said street is now opened, and thence in a direct line produced from the centre of the said street until it intersects the limits of the Town on the south.

Centre Ward.

The said Centre Ward to comprise all that portion of the said Lower Town not included in the East Ward.

West Ward.

The said West Ward shall comprise all that portion of the said Town which lies westerly from the Rideau Canal, and which shall constitute Upper Bytown.

COBOURG.

5. *Cobourg*.—To consist of all that part of this Province situate within the County of Northumberland, and lying within the following limits, that is to say:

Limits.

Commencing on the Lake Shore, at the south-east angle of lot number fourteen, in concession B; thence, north, sixteen degrees west, to the centre of the first concession; thence, south, seventy-four degrees west, to the centre of lot number twenty-one, in the said concession; thence, south, sixteen degrees east, to the Lake shore; thence, along the water's edge, to the place of beginning.

Wards, three.

The said Town to be divided into three Wards, to be called respectively, South Ward, East Ward and West Ward.

South Ward.

The said South Ward to comprise all that portion of the said Town which lies south of King street.

East Ward.

The said East Ward to comprise all that portion of the said Town which lies east of the centre of the street between lots numbers sixteen and seventeen and north of King street; and

West Ward.

The said West Ward to comprise all that portion of the said Town which lies west of the centre of the street between lots numbers sixteen and seventeen, and north of King Street.

CORNWALL.

6. *Cornwall*.—To consist of all that part of this Province situate within the County of Stormont, and lying within the following limits, that is to say:

Limits.

Comprised within the limits or boundaries heretofore reserved and set apart by Government as a Town plot, together with the parcel or tract of ungranted land in front thereof, and the harbour.

Wards, three.

The said Town to be divided into three Wards, to be called respectively East Ward, West Ward, and Centre Ward, and to comprise the following portions of the said Town respectively, that is to say:

East Ward.

The said East Ward to comprise all that part of the said Town which lies between Amelia Street and the Eastern limits of the said Town.

West Ward.

The said West Ward to comprise all that part of the said Town which lies between Augustus Street and the Western boundary of the said Town; and

Centre Ward.

The said Centre Ward to comprise all that remaining part of the said Town which lies between Amelia Street and Augustus Street, and not included in either of the before mentioned Wards.

DUNDAS.

7. *Dundas*.—To consist of all that part of this Province situate within the County of Halkon, and lying within the following limits that is to say:

Limits.

Commencing on the division line between the property of George Rolph, Esquire, and the property of the late Harker Lyons, on the York road; thence, following the said road, westerly, to the road leading up the mountain to John Keagy's, the younger; thence, in a straight line

by compass to a monument within a few feet of the site of the old oatmeal mill; thence across the creek or stream to a stone monument placed at the distance of five hundred feet from the west bank thereof; thence, following the said creek or stream at a distance throughout of five hundred feet from the west and south bank thereof, to where a stone monument is placed south of Mr. Ewart's milldam; thence, running in a straight line to a stone monument placed on the boundary line between the property owned by John O. Hatt, Esquire, and the estate of the late Manuel Overfield; thence, to a stone monument placed on the boundary line between the property owned by Thomas Hatt and the said John O. Hatt; thence, along the said boundary line to a stone monument placed in South Street; thence, following South Street till it intersects East Street; thence, descending the hill in a northerly direction till it intersects the Governor's road; thence, following the said road, easterly, to a stone monument placed in a line at right angles with the place of beginning; thence, along the said line to the place of beginning.

The said Town to be divided into four Wards, to be called, respectively, Mountain Ward, Canal Ward, Foundry Ward, and Valley Ward, and to comprise the following portions of the said Town respectively, that is to say:

Wards four.

The said Mountain Ward to comprise all that part of the said Town commencing on the Sydenham road at the northern boundary of the said Town; thence, running along the said Sydenham road until it intersects King Street; thence, along the said King Street in an easterly direction until it intersects Main Street; thence, along the said Main Street until it intersects Baldwin or Flamboro' Street; thence, along the same to the Basin of the Desjardins Canal; thence, along the said canal until the eastern boundary or limit of the said Town is intersected; thence, following the said eastern boundary to the northern boundary line of the said Town; thence, following the same to the place of beginning.

Mountain Ward.

The said Canal Ward to comprise all that part of the said Town, commencing on King Street at a post planted between the lands owned by Orlando Morley and John Walker; thence, running south to the southern boundary of the said Town; thence, along the said boundary to the eastern boundary until the Desjardins Canal is intersected; thence, along the said Canal in a westerly direction until East Street is intersected (Coote's Paradise); thence, along Baldwin or Flamboro' Street to Main Street; thence, along the said Main Street in a northerly direction till it intersects King Street; thence, along the said King Street to the place of beginning.

Canal Ward.

The said Foundry Ward to comprise all that part of the said Town, commencing on King Street at a post planted between the lands owned by Orlando Morley and John Walker; thence, along the said King Street, west, until it intersects Peel Street; thence, south, until James Street is intersected; thence, westerly, along the said James Street until it intersects the western boundary of the said town; thence, along the western and southern boundary of the said Town until the boundary between Wards Numbers Two and Three is intersected; thence, northerly, to the place of beginning; and

Foundry Ward.

The said Valley Ward to comprise all that part of the said Town, commencing at the northern boundary of the said Town on the Sydenham Road; thence, following the north-western limits of the said town to a stone monument within a few feet of the site of the old oatmeal mill; thence, across the stream or creek to a stone monument placed at the distance of five hundred feet from the west bank thereof; thence, along the western boundary of the said town to a stone monument placed on a line at right angles with James Street; thence, along James

Valley Ward.

Street, easterly, until Peel Street is intersected; thence, along Peel Street to King Street; thence, along King Street to Sydenham Road; thence, along Sydenham Road to the place of beginning.

GODERICH.

8. *Goderich*.—To consist of all that part of this Province situate within the County of Huron, and lying within the following limits, that is to say:

Limits.

Commencing at a point where the south limit of Britannia Road produced intersects the water's edge of Lake Huron; thence, northerly along the said water's edge to the south Pier of the Harbour; thence, easterly, along the said Pier and south side of the River Maitland, to a point where the west limit of Wellington Street produced intersects the said south side of the River Maitland; thence, due south, along the said produced limit of Wellington Street to the crown of the Hill; thence, easterly along the crown of the said Hill, following the several windings thereof, to the east end of Gloucester Terrace; thence, southerly, along the eastern limit of the River Maitland, until it intersects the south easterly limit of Britannia Road; thence, south-easterly along the south-east limit of Britannia Road to an angle thereof; thence, due west, along the south limit of the said Britannia Road to the place of beginning.

Wards, four.

The said Town to be divided into Four Wards, to be called respectively Saint George's Ward, Saint Patrick's Ward, Saint Andrew's Ward, and Saint David's Ward; and to comprise the following portions of the said Town respectively, that is to say:

St. George's Ward.

The said Saint George's Ward to comprise all that part of the said Town which lies northward of the centre of West Street and westward of the centre of North Street.

St. Patrick's Ward.

The said Saint Patrick's Ward to comprise all that part of the said Town which lies northward of the centre of East Street and eastward of the centre of North Street.

St. Andrew's Ward.

The said Saint Andrew's Ward to comprise all that part of the said Town which lies southward of the centre of West Street and westward of the centre of South Street; and

St. David's Ward.

The said Saint David's Ward to comprise all that part of the said Town which lies southward of the centre of East Street and eastward of the centre of south Street.

LONDON.

9. *London*.—To consist of all that part of this Province situate within the County of Middlesex, and lying within the following limits, that is to say:

Limits.

All the lands comprised within the old and new surveys of the said Town, together with the lands adjoining thereto, lying between the said surveys and the River Thames, producing the northern boundary line of the new survey, until it intersects the north branch of the River Thames, and producing the eastern boundary line of the same new survey, until it intersects the east branch of the River Thames.

Wards, four.

The said Town to be divided into Four Wards, to be called respectively Saint George's Ward, Saint Patrick's Ward, Saint Andrew's Ward, and Saint David's Ward, and to comprise the following portions of the said Town respectively, that is to say:

St. George's Ward.

The said Saint George's Ward to comprise all that part of the said Town which lies north of the Northern Line and continuation of Hitchcock and Duke Streets.

St. Patrick's Ward.

The said Saint Patrick's Ward to comprise all that part of the said Town which lies between King Street and Saint George's Ward aforesaid.

St. Andrew's Ward.

The said Saint Andrew's Ward to comprise all that part of the said Town which lies between Horton Street and Saint Patrick's Ward aforesaid; and

The said Saint David's Ward to comprise all that part of the said Town which lies south of Horton Street.

St. David's Ward.

10. *Niagara*.—To consist of all that part of this Province situate within the County of Lincoln, and lying within the following limits, that is to say :

NIAGARA.

Commencing at Missisagua Point; thence westerly, along Lake Ontario to Crookston; thence, along the rear or Town line of Niagara to the Black Swamp road; thence, along the eastern limit of the lands of the late Thomas Butler, Esquire, deceased, and the lands of Garret Slingerland, to the north-west angle of the lands of John Eccleston; thence, easterly, to where the lands formerly owned by the Honorable William Dickson and the late Martin McLennon, deceased, come in contact; thence, easterly, along the northern boundary of the lands of the said Martin McLennon, deceased, to the River Niagara; thence, northerly, down the said Niagara River to the place of beginning.

Limits.

The said Town to be divided into five Wards, to be called respectively, Saint Lawrence Ward, Saint George's Ward, Saint Patrick's Ward, Saint David's Ward and Saint Andrew's Ward, and to comprise the following portions of the said Town respectively, that is to say :

Wards, five.

The said Saint Lawrence Ward to comprise all that part of the said Town which lies south of the centre of the Street called King Street, which runs directly from the River Niagara, and commencing at the house now occupied by Mr. Walter Elliot, or the Lower Ferry, and terminating at the western limit of the Town.

St. Lawrence Ward.

The said Saint George's Ward to comprise all that part of the said Town which lies north of the centre of the Street forming the northern boundary of Saint Lawrence Ward, and south of the centre of the next parallel Street.

St. George's Ward.

The said Saint David's Ward to comprise all that part of the said Town which lies north of the Street forming the northern boundary of Saint George's Ward, and south of the centre of the next parallel Street.

St. David's Ward.

The said Saint Patrick's Ward to comprise all that part of the said Town which lies north of the Street forming the northern boundary of Saint David's Ward, and south of the centre of the next parallel Street.

St. Patrick's Ward.

And the said Saint Andrew's Ward to comprise all that part of the said Town which lies north of the Street forming the northern boundary of Saint Patrick's Ward.

Saint Andrew's Ward.

11. *Peterborough*.—To consist of all that part of this Province situate within the County of Peterborough, and lying within the following limits, that is to say :

PETERBOROUGH.

Comprising all the lands in the Government Surveys of the present Town of Peterborough, and lying north of Townsend Street, and east of Park Street to the centre of the River Otonabee, as the eastern limit of the said Town, and to the centre of the allowance for road forming the boundary line between the Townships of Monahan and Smith, as the northern boundary of the said Town—

Limits.

And divided into four Wards, to be called East Ward, North Ward, Centre Ward, and South Ward, and to comprise the following portion of the said Town respectively, that is to say :

Wards, four.

The said East Ward to comprise all that part the said Town which lies east of George Street.

East Ward.

The said North Ward to comprise all that part of the said Town which lies west of George Street and North of Brook Street.

North Ward.

Centre Ward.

The said Centre Ward to comprise all that part of the said Town which lies west of George Street, south of Brock Street and north of Simcoe Street.

South Ward.

And the said South Ward to comprise all that part of the said Town which lies west of George Street and south of Simcoe Street, including the Government Reserve south of the said Town.

Pictou.

12. *Pictou*.—To consist of all that part of this Province situate within the County of Prince Edward, and lying within the following limits, that is to say :

Limits.

Commencing on the south side line of Lot letter A, at a distance of fifty chains from the front of the Lot ; thence, across the said Lot, and across Lot number one, north, sixty-four degrees forty-five minutes east, to a post planted on the limit between Lots numbers one and two in the first Concession, north of the Carrying Place ; thence, at a right angle across Lots numbers two, three and four in the said Concession ; thence, along the north-east side of Lot number four to the Bay ; thence, directly across the Bay to the line between Lots numbers seventeen and eighteen in the first Concession east of the Carrying Place ; thence, along the water's edge to the limit between Lots numbers nineteen and twenty in the said Concession ; thence, along the limit between the said Lots in a south-easterly direction, twelve chains ; thence, at right angles across the easterly half of Lot number twenty ; thence, in a south-easterly direction along the centre of the said Lot number twenty, nine chains, more or less, to the east side of John Street, thirty chains ; thence, north, eighty degrees twenty minutes west, fourteen chains forty links, more or less, to the east side of Church Street ; thence, south, twelve degrees forty-five minutes east, one chain sixty-five links ; thence, south, forty-nine degrees fifteen minutes west, fifteen chains fifty links ; thence, south, thirty-two degrees west to the north-eastern limit of Lot number one in the Concession south-east of the Carrying Place ; thence, north, eighty-degrees twenty minutes west, along the north-east side line of the said Lot number one to the front of the Lot ; thence, north, eighty-seven degrees forty-five minutes west, sixty chains, more or less, to a post on the limit between Lots numbers twenty-one and twenty-two in the third Concession, military tract ; thence, along the westerly side line of the said Lot number twenty-two, twenty-four chains seventy-four links, more or less, to Lot letter A aforesaid ; thence, in a direct line to the place of beginning, including the Harbor in the above mentioned boundaries.

Wards, three.

The said Town to be divided into three Wards, to be called, respectively, Hallowell Ward, Brock Ward and Tecumseth Ward, and to comprise the following portions of the said Town, respectively, that is to say :

Hallowell Ward.

The said Hallowell Ward to comprise all that part of the said Town which lies west of Bowery Street.

Brock Ward.

The said Brock Ward to comprise all that part of the said Town which lies east of the said Bowery Street and north of the Bay.

Tecumseth Ward.

And the said Tecumseth Ward to comprise all that part of the said Town which lies on the south side of the Bay.

Port Hope.

13. *Port Hope*.—To consist of all that part of this Province, situate within the County of Durham, and lying within the following limits, that is to say :

Limits.

Composed of Lots numbers four, five, six, seven and eight, and the east half of Lot number nine in the first Concession of the Township of Hope, and the broken fronts of the said Lots and Half-lot, together with all those parts of Lots numbers four and five in the second Concession

of the said Township of Hope, with the road allowance between the said first and second Concessions, and butted and bounded as follows, that is to say :

Commencing in rear of the first Concession at the north-east angle of Lot number four in the first Concession ; thence, in a northerly direction, across, the said allowance for road, to the south-east corner of Lot number four in the second Concession ; thence, northerly, along the easterly side of the said Lot number four in the second Concession, fifteen chains ; thence, westerly, in a course parallel with the front of the said second Concession, twenty-five chains ; thence, southerly, in a course parallel with the said line of Lot number four in the second Concession aforesaid, sixteen chains, more or less, to the rear line of the first Concession ; thence, easterly, along the rear of the first Concession to the place of beginning, and also the water in front thereof to the distance of one-fourth of a mile into Lake Ontario. Limits.

The said Town to be divided into three Wards, to be called respectively, First Ward, Second Ward, and Third Ward, and to comprise the following portions of the said Town, respectively, that is to say : Wards, three.

The said First Ward, to comprise all that part of the said Town which lies east of the River. First Ward.

The said Second Ward to comprise all that part of the said Town which lies west of the River and south of Walter Street, continued westerly by Ridout Street, and the front or Lake Shore Road to the western limit of the said Town. Second Ward.

And the said Third Ward to comprise all that part of the said Town which lies west of the River and north of Walter Street, continued westerly by Ridout Street, and the said front or Lake Shore Road to the western limit of the said Town. Third Ward.

14. *Prescott*.—To consist of all that part of this Province situate within the County of Grenville, and lying within the following limits, that is to say : PRESCOTT.

Commencing at the south-eastern angle of the Township of Augusta ; thence, north, twenty-four degrees west to the rear of the first concession of the said Township ; thence, south-westerly, along the said concession line to the limit between the east and west half of lot number five in the first concession of Augusta aforesaid ; thence, south, twenty-four degrees east to the river St. Lawrence ; thence, north-easterly, along the water's edge to the south-eastern angle of the said Township to the place of beginning, and shall take in so much of the waters of the river St. Lawrence and the land under the wharves and buildings built in such waters, as lie within three hundred yards in every direction of the water's edge in front of the present limits of the said Town— Limits.

And divided into two Wards, in the following manner, that is to say : Wards, two.

All that part of the Town on the east side of the street called Centre street, leading from the river St. Lawrence to the rear line of the said Town, shall compose the East Ward ; and all that part of the Town on the west side of the aforesaid street called Centre street, shall compose the West Ward. East Ward.
West Ward.

15. *Saint Catharines*.—To consist of all that part of this Province situate within the County of Lincoln, and lying within the following limits, that is to say : ST. CATHARINES.

Commencing at the north-east angle of lot number sixteen, in the sixth concession of the Township of Grantham, on Charles Roll's farm ; thence, south-westerly, along the road as now laid out, one hundred and Limits.

thirty-five chains, more or less, crossing the Welland, at Ranney's mill's to the western limit of the Welland canal lands; thence, southerly and easterly, along the Welland canal boundary until it intersects the allowance for road between the sixth and seventh concessions; thence, south, sixty-five degrees west along the rear of the sixth concession, to the limit between lots numbers nineteen and twenty; thence, south, crossing the main road to Hamilton, five chains; thence, north, sixty degrees east, more or less, until it intersects the allowance for road between lots numbers sixteen and fifteen; and thence, north, along the said allowance, more or less, to the place of beginning.

Wards, three.

The said Town to be divided into three Wards, to be called respectively, Saint Thomas' Ward, Saint George's Ward, and Saint Paul's Ward, and to comprise the following portions of the said Town respectively, that is to say:

Saint Thomas' Ward.

The said Saint Thomas' Ward to comprise all that part of the said Town which lies within the following limits:

Commencing at the south-westerly angle of the said Town; thence, north, until it intersects the allowance for road between the sixth and seventh concessions of Grantham; thence, north, sixty-five degrees east, along the said allowance to the Welland canal; thence, down the said canal, to the northern and western limit of the Welland canal lands; thence, easterly, across the said canal, until it intersects the main road at the north-western boundary of the said Town; thence, north-easterly, along the said boundary until it intersects Ontario Street; thence, up the said street until it intersects Saint Paul Street; thence, southerly, on the said street until it intersects the concession line between the sixth and seventh concessions; thence, north-easterly, on the said line, until it crosses the Welland canal; thence, up the said canal until it intersects the eastern boundary of the said Town; thence, south, on the said boundary, until it intersects the south-easterly angle of the said Town; thence, north-easterly, to the place of beginning.

Saint George's Ward.

The said Saint George's Ward to comprise all that part of the said Town which lies within the following limits:

Commencing at the corner of Saint Paul and Ontario streets; thence, down the boundary of Ontario street to the north-westerly boundary line of the said Town; thence, north-easterly, on the said boundary to the north-east angle of the said Town; thence, south, until it intersects Saint Paul street; thence, up the said street to the place of beginning.

Saint Paul's Ward.

And the said Saint Paul's Ward to comprise all that part of the said Town which lies within the following limits:

Commencing at the intersection of Saint Paul's street with the eastern boundary of the said Town; thence, south, until it intersects the boundary of Saint Thomas' Ward on the Welland canal; thence, down the said canal until it intersects the line between the sixth and seventh concessions; thence, north, up the said concession line until it intersects Saint Paul street; thence, westerly, up the said street to the place of beginning.

Schedule C.

SCHEDULE C.

Cities.

CITIES.

HAMILTON.

1. *Hamilton*.—The City and Liberties thereof to consist of all that part of this Province situate within the County of Wentworth and lying within the following limits, that is to say:

Commencing at the north-east corner of lot number eleven, in the Township of Barton, on the waters of Burlington Bay; thence, following the line between lots numbers ten and eleven, in a southerly direction, to the rear of the third concession of the said Township of Barton; thence, along the said concession, westerly, to the intersection of the line between lots numbers twenty and twenty-one of the said Township; thence, in a northerly direction, following the said line between the said lots numbers twenty and twenty-one until it reaches the Marsh at the head of Burlington Bay; thence, along the southerly and easterly margin of the said Marsh, to the waters of Burlington Bay; thence, along the southerly margin of Burlington Bay, to the place of beginning, including the several road allowances along the said boundary, and the harbour in front of the said City. Limits.

The said City to consist of all that part of the tract of land above described, lying within the following limits, that is to say:

Commencing at the north-east corner of lot number twelve, in the Township of Barton, on the waters of Burlington Bay; thence, following the line between lots numbers eleven and twelve, in a southerly direction, to the rear of the third concession of the said Township of Barton; thence, along the said concession, westerly, to the intersection of the line between lots numbers twenty and twenty-one of the said Township; thence, in a northerly direction, following the said line between the said lots numbers twenty and twenty-one until it reaches the marsh at the head of Burlington Bay; thence, along the southerly and easterly margin of the said marsh, to the waters of Burlington Bay; thence, along the southerly margin of Burlington Bay to the place of beginning, including the several road allowances along the said boundary, and the harbour in front of the said City.

The said City to be divided into five Wards, to be called respectively Saint George's Ward, Saint Patrick's Ward, Saint Lawrence Ward, Saint Andrew's Ward and Saint Mary's Ward, and to comprise the following portions of the said City respectively, that is to say: Wards, five.

The said Saint George's Ward to comprise all that part of the said City which lies south of King Street and west of John Street. Saint George's Ward.

The said Saint Patrick's Ward to comprise all that part of the said City which lies south of King Street and east of John Street. Saint Patrick's Ward.

The said Saint Lawrence Ward to comprise all that part of the said City which lies north of King Street and east of John Street. St. Lawrence Ward.

The said Saint Andrew's Ward to comprise all that part of the said City which lies north of King Street and between John and MacNab Streets. St. Andrew's

And the said Saint Mary's Ward to comprise all that portion of the said City which lies north of King Street and west of MacNab Street. St. Mary's Ward.

And so much of the liberties of the said City as are adjacent to the respective Wards shall be attached to the same respectively, and the limits between the respective portions of the said liberties hereby attached to the different Wards of the said City be ascertained by the extension of the boundary lines between the said Wards respectively through the said liberties. Liberties.

2. *Kingston.*—The City and Liberties thereof to consist of all that part of this Province situate within the County of Frontenac and lying within the following limits, that is to say: Kingston.

Commencing at the water's edge on Lake Ontario in the direction of the line between lots number twenty and twenty-one in the first concession of the Township of Kingston; thence, in a direct line to the Limits.

KINGSTON.**Limits.**

second concession of the said Township of Kingston and across the road, between the first and second concessions to the south-easterly angle of lot number twenty-four in the said second concession; thence, north, on the side line of the said lot number twenty-four to a point in line with the limit between lots numbers four and five on the west side of the great river Cataraqui produced from the said river; thence, along the said limit to the water's edge at low water mark; thence, along the said edge of the great river Cataraqui and along the water's edge at low mark of Lake Ontario with the windings and turnings to the place of beginning, together with all the water lying between the front of the City and the opposite shore of the Township of Pittsburg, as far as Point Frederick, and beyond Point Frederick all the water lying in front of the said City and Liberties which may be distant five hundred yards from the Main shores of Wolfe Island, Garden Island and Simcoe Island.

The said City to consist of all that part of the tract of land above described lying within the following limits, that is to say:

Commencing at a point on a line produced five hundred feet from the shore in the direction of the line between lots numbers twenty-three and twenty-four, in the first concession of the Township of Kingston; thence, north, along the said line, to the front of the second concession of the said Township; thence, on the northerly side of the concession road, to the south-easterly angle of lot number twenty-four in the said second concession; thence, north, on the westerly side of the road, to a point directly opposite the boundary line dividing lots numbers one and two, on the west side of the great river Cataraqui; thence, along the said division line, to the water's edge of the said great river Cataraqui; thence, in prolongation of the said division line across the said river, to the water's edge on the easterly side thereof, and along the water's edge at low water mark, to the extreme south-westerly point of Point Frederick in the Township of Pittsburg; thence, southerly, parallel to the westerly boundary line of the said City, as hereinbefore set forth, to the distance of five hundred feet from the said south-westerly point of Point Frederick; thence, westerly, in a right line, to the place of beginning—

Wards, seven.

The said City to be divided into seven Wards, to be called, respectively, Sydenham Ward, Ontario Ward, Saint Lawrence Ward, Frontenac Ward, Cataraqui Ward, Rideau Ward, and Victoria Ward, and to comprise the following portions of the said City respectively, that is to say:

Sydenham Ward.

The said Sydenham Ward to comprise all that part of the said City which lies westward and southward of a line drawn from the foot of William Street through the centre of the said Street to the limits of the said City.

Ontario Ward.

The said Ontario Ward to comprise all that part of the said City which lies between the last mentioned line of Sydenham Ward and a line drawn from the foot of Brock Street through the centre of the said Street to the limits of the said City.

St. Lawrence Ward.

The said Saint Lawrence Ward to comprise all that part of the said City which lies between the last mentioned line of Ontario Ward and a line drawn from the foot of Princess Street, through the centre of the said Street to the limits of the said City.

Cataraqui Ward.

The said Cataraqui Ward to comprise all that part of the said City which lies eastward and northward of a line drawn from the foot of Princess Street through the centre of the said Street to Montreal Street; thence, through the centre of Montreal Street aforesaid and across the Artillery Reserve, to the present travelled road known as the "Montreal Road;" thence through the centre of the said road to the limits of the said City.

The said Frontenac Ward to comprise all that part of the said City which lies northward of the last mentioned line, running through the centre of Montreal Street and the Montreal Road to the City limits, and northward and eastward of a line extending from Montreal Street (where it intersects Princess Street) through the centre of Princess Street, to the limits of the said City.

Frontenac Ward.

The said Rideau Ward to comprise all that part of the said lot number twenty-four, lying on the north side of the continuation of Arthur Street, through the said lot in a direct line to the Concession Road between the first and second concessions of the said Township of Kingston.

Rideau Ward.

And the said Victoria Ward to comprise all that part of the said lot number twenty-four lying on the south side of the said continuation of Arthur Street aforesaid.

Victoria Ward.

And so much of the Liberties of the said City as are adjacent to the respective Wards, shall be attached to the same respectively, and the limits between the respective portions of the said liberties hereby attached to the different Wards of the said City, be ascertained by the extension of the boundary lines between the said Wards respectively, and through the said Liberties.

3. *Toronto*.—The City and Liberties thereof to consist of all that part of the Province situate in the County of York, and lying between the following limits, that is to say:

TORONTO.

Commencing at the distance of one chain, on a course, south, sixteen degrees east from the south-westerly corner of lot number two, in the first concession, from the Bay in the Township of York, in the County of York; thence, southerly, in the direction of the side line between lots numbers two and three, in that concession, to the distance of five hundred feet from the point at which the said line intersects the margin of the water on the shore of Lake Ontario; thence, westerly, through the waters of Lake Ontario, following the direction of the curvatures of the shore, and keeping always at the distance of five hundred feet from the margin of the water till the point is attained, which is five hundred feet from the north-westernmost point of the Island or Peninsula, forming the harbour; thence, across the Bay or harbour of York, to a point where a line, drawn southerly from the north-easterly corner of Park lot number twenty-nine, in the said Township of York, in the direction of the easterly boundary line of the said Park lot, intersects the margin of the water on the shore of Lake Ontario; thence, northerly, in the direction of the said line so drawn from the said corner of the said Park lot through the said corner, to the point at which the said line so drawn through the said corner intersects the northerly boundary line of the allowance for Road between the Park lots and the second concession from the Bay in the said Township of York; thence, easterly, along the said northerly boundary line of the said allowance for Road, to the easterly shore or water's edge of the River Don; thence, southerly, along the water's edge, on the eastern side of the said River, to the point where the said water's edge intersects the southerly boundary line of the allowance for Road, in front of the said first concession; thence, easterly, along the southerly boundary line of the allowance for Road, in front of the said first concession, to the place of beginning—

Limits.

The said City to consist of all that part of the tract of land above described lying within the following limits, that is to say:

Commencing at the distance of one chain, on a course north, seventy-four degrees east, from the south-east angle of Park lot number three, in the said Township of York; thence, south, sixteen degrees east, upon a continuation of the allowance for Road between Park lots numbers two and three to the water's edge of the Bay in front of the said City;

Toronto.

Limits.

thence, westerly, along the water's edge of the said Bay to the point at which the westerly limit of the allowance for Road between Park lots numbers eighteen and nineteen, in the said Township of York, being produced southerly, intersects the said water's edge; thence, northerly, in the direction of the said westerly limit of the said allowance for Road to the distance of four hundred yards north of the northerly boundary line of Queen Street; thence, easterly, parallel to Queen Street to the easterly boundary line of the allowance for Road between Park lots numbers two and three; thence, south, sixteen degrees east, along the easterly boundary line of the said allowance for Road, four hundred yards more or less, to the place of beginning. And the remainder of the said tract, to constitute the Liberties of the said City.

Wards, six.

The said City to be divided into six Wards to be called respectively, the Wards of St. James, St. David, St. Lawrence, St. George, St. Andrew and St. Patrick, and to comprise the following portions of the said City respectively, that is to say:

St. James' Ward.

The said Ward of St. James to comprise all that part of the said City, lying between the northerly boundary line of King Street east, the westerly boundary line of Yonge Street, the easterly boundary line of Nelson Street, and the northerly boundary line of Queen Street east.

St. David's Ward.

The said Ward of St. David to comprise all that part of the said City lying to the eastward of the westerly boundary line of Nelson Street, and to the north of the northerly boundary line of King Street east.

St. Lawrence Ward.

The said Ward of St. Lawrence to comprise all that part of the said City lying to the southward of the northerly boundary line of King Street east, and to the eastward of the westerly boundary line of Yonge Street.

St. George's Ward.

The said Ward of St. George to comprise all that part of the said City lying to the southward of the northerly boundary line of King Street, and to the westward of the westerly boundary line of Yonge Street.

St. Andrew's Ward.

The said Ward of St. Andrew to comprise all that part of the said City lying between the northerly boundary line of King Street east, and the northerly boundary line of Queen Street east, and west of the westerly boundary line of Yonge Street.

St. Patrick's Ward.

And the said Ward of St. Patrick to comprise all that part of the said City lying to the north of the northerly boundary line of Queen Street west, and west of the westerly boundary line of Yonge Street.

Liberties.

And so much of the Liberties of the said City as lies to the southward and eastward of the St. Lawrence Ward, shall be and is hereby attached to the St. Lawrence Ward; so much thereof as lies to the northward and eastward of the St. David's Ward, shall be and is hereby attached to the said St. David's Ward; so much thereof as lies to the northward of the said St. James's Ward, shall be and is hereby attached to the said St. James's Ward; so much thereof as lies to the southward and westward of the St. George's Ward, shall be and is hereby attached to the said St. George's Ward; so much thereof as lies to the westward of the St. Andrew's Ward, shall be and is hereby attached to the said St. Andrew's Ward; and so much thereof as lies to the northward and westward of the St. Patrick's Ward, shall be and is hereby attached to the said St. Patrick's Ward; the limits between the respective portions of the said Liberties hereby attached to the different Wards of the said City being ascertained by the extension of the boundary lines between the said Wards respectively, through the said Liberties, except the boundary line between the portions hereby attached to the St. Lawrence Ward, and that hereby attached to the St. David's Ward, which shall consist of the northerly boundary line of King Street east to the River Don.

[ESTABLISHED BY PROCLAMATION, DATED 4TH SEPTEMBER, 1849.]

1st. *Galt*.—To consist of all that part of this Province situate within the County of Waterloo, in Upper Canada, and lying within the following limits, that is to say, "Commencing on the western limit of lot number seven, in the centre of the tenth concession of the Township of Dumfries, in the said County of Waterloo; thence, on the said limit, to the allowance for highway between the tenth and eleventh concessions; thence, along the said allowance, to its junction with the macadamized road leading from Galt to Dundas; thence, on the same course as the side-lines of the concession to the Dundas and Waterloo Turnpike; thence, along the said Turnpike, crossing the allowance for highway between the eleventh and twelfth concessions, to the junction of the said Turnpike with the common road leading from Galt to Preston; thence, parallel to the allowance for highway between the eleventh and twelfth concessions crossing the Grand River, to the side-line between lots numbers eleven and twelve in the eleventh concession produced into the twelfth concession; thence, along the said side-line crossing the allowance for highway between the eleventh and twelfth concessions, and between lots numbers eleven and twelve in the eleventh concession, crossing the allowance for highway between the tenth and eleventh concessions, and between lots numbers eleven and twelve in the tenth concession, to the centre of the said tenth concession; thence, through the centre of the said tenth concession, crossing the Grand River, to the place of beginning."

GALT.

2nd. *Oshawa*.—To consist of all that part of this Province situate within the East Riding of the County of York, in Upper Canada, and lying within the following limits, that is to say: "Comprised within the limits or boundaries of lots numbers nine, ten, eleven and twelve, in the first concession; and lots numbers nine, ten, eleven and twelve, in the second concession of the Township of Whitby, in the said East Riding, together with the allowance for road between the said four first mentioned and the said four last mentioned lots."

OSHAWA.

3rd. *Paris*.—To consist of all that part of this Province heretofore situate partly in the County of Waterloo and partly in the County of Wentworth, in Upper Canada, and lying within the following limits, that is to say: "Comprised within the limits or boundaries of the southerly halves of lots numbers twenty-nine and thirty, and the south-easterly quarter of lot number thirty-one, in the first concession of the Township of Dumfries, in the County of Waterloo; and all that portion of the Gore of Dumfries, in the said County, lying immediately in front of the above mentioned parts of lots, and extending ten chains eastward of the same, including Dundas Street, in front of the said Gore; also the northerly three fourths of lot number twelve, and all that part of lots numbers thirteen and fourteen, on the westerly side of the Grand River, in the first concession of the Township of Brantford, in the County of Wentworth."

PARIS.

[The Proclamation declares the whole of the Village of Paris, according to the foregoing limits, to be annexed to the County of Wentworth.]

4th. *Richmond*.—To consist of all that part of this Province situate in the County of Carleton, in Upper Canada, and lying within the following limits, that is to say: "Comprised within the Village Lots and Ten Acre Park Lots, adjoining the Village, as laid down in the Office of the Commissioner of Crown Lands, and which is composed of lots numbers twenty-two, twenty-three, twenty-four and twenty-five, in the second, third and fourth concessions of the Township of Goulburn, in the said County of Carleton, and all allowances for road between such lots."

RICHMOND.

Village boundaries.

[ESTABLISHED BY PROCLAMATION, DATED 29TH SEPTEMBER, 1849.]

CHIPPewa.

5th. *Chippewa*.—To consist of all that part of this Province situate within the County of Welland, in Upper Canada, and lying within the following limits, that is to say: "Commencing at the Niagara River, in the Township of Stamford, at a point in a direct easterly line with the stake and ridged rail-fence, immediately north of the Episcopal Church; thence westerly to a point ten chains west of Pell's Creek, in the Township of Stamford, always keeping an equal distance from the River Welland with the said rail-fence; thence southerly crossing the River Welland to the west side of the Sodom Road, in the Township of Willoughby, at the west angle of the said road with Lyon's Creek Road, thence southerly along the said Sodom Road twenty chains; thence easterly parallel with the River Welland to the Niagara River, always keeping at the distance of twenty chains from the said River Welland; thence along the margin of the said River Niagara, passing the River Welland at its mouth, to the place of beginning."

THOROLD.

6th. *Thorold*.—To consist of all that part of this Province situate within the County of Welland, in Upper Canada, and lying within the following limits, that is to say: "Commencing at the Township Line between Grantham and Thorold, at the north-east angle of lot number eight; thence south until it intersects the road leading from Queenston to the Beaver Dams, at Mistress Wormers; thence along the said road westerly crossing the Swing Bridge and Canal, until it intersects Pine Street; thence north along said Street to the Concession Line at the north end of lot number thirty; thence west along said concession to the line between lots numbers seventeen and eighteen to Mile Street, passing the Roman Catholic Church; thence along said Mile Street west to the road leading from St. Catharines to the Beaver Dams; thence north along said road to the said Town Line between Grantham and Thorold; thence along said Town Line to the place of beginning."

DIVISION OF COUNTIES, UPPER CANADA.

ACT 12 VIC., CAP. 78.

An Act for abolishing the Territorial Division of Upper Canada into Districts, and for providing for temporary Unions of Counties for Judicial and other purposes, and for the future dissolutions of such Unions, as the increase of wealth and population may require.

[30th May, 1849.]

Preamble.

WHEREAS by reason of the subdivision of Districts in that part of this Province called Upper Canada, the boundaries thereof have, in many cases, become identical with the boundaries of Counties, and there being no longer any sufficient reason for continuing such territorial division in that part of the Province, it is expedient to abolish the same, and, following in this particular the Mother Country, to retain only the name of County as a territorial division for judicial as well as all other purposes, providing at the same time for temporary Unions of Counties for judicial and other purposes, and the future dissolution of such Unions as the increase of wealth and population may from time to time require: Be it therefore enacted by the Queen's Most Excellent Majesty, by and

with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intitled, *An Act to re-unite the Provinces of Upper and Lower-Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That this Act shall come into and be in operation upon, from and after the first day of January, in the year of our Lord, one thousand eight hundred and fifty.

Commencement
of this Act.

I. ABOLITION OF DISTRICT DIVISIONS.

II. And be it enacted, That the division of that part of this Province called Upper Canada, into Districts for judicial and other purposes, shall be and the same is hereby abolished.

Districts
abolished.

III. And be it enacted, That the Courts, Court Houses and Gaols, heretofore called District Courts, Court Houses and Gaols, shall from henceforth be called County Courts, Court Houses and Gaols, and the District Grammar Schools, County Grammar Schools, and all and singular the Offices and Officers now appertaining to the said Districts shall henceforth belong and appertain to the said Counties respectively, and whenever the said Offices or Officers have the title or denomination of Offices or Officers, of or for the District, they shall henceforth have the title or denomination of Offices or Officers of or for the County; and all laws at present in force, or during the present Session of Parliament made or to be made applicable to the said division of territory by the name of Districts, or the Courts, Offices or other Institutions thereof, shall be applied to and have the same operation and effect upon the said Counties and their respective Courts, Offices and other Institutions, as Counties.

District Courts,
&c., to become
County Courts,
&c.

Laws applicable
to Districts to
apply to Coun-
ties.

IV. And be it enacted, That the Courts of Assize and Nisi Prius, and Oyer and Terminer, Gaol Delivery, Sessions of the Peace and District Courts, shall be held in and for the said Counties, as such Courts are now held for the different districts in Upper-Canada, and that the name County shall be used in designating such Courts, and also in all legal proceedings where the name District is now, or by any Act passed or to be passed during the present Session of Parliament, shall be used.

Courts of Assize,
&c., to be held in
and for Counties.

II. UNIONS OF COUNTIES FOR JUDICIAL AND OTHER PURPOSES.

V. And be it enacted, That the Counties mentioned in the Schedule to this Act annexed, marked A, shall, for all judicial and municipal purposes, and for all other purposes whatsoever, except for the purpose of Representation in the Provincial Parliament, and that of the Registration of Titles, be formed into Unions as in the said Schedule particularly set forth, and each of such Unions under the name of the United Counties of _____ and _____ (*naming them*) shall for all such purposes (except as before excepted) have all Courts, Offices and Institutions established by law and now pertaining to Districts, or which by any Act passed or to be passed during the present or any future Session of Parliament, shall or may be established for Counties in common between them, so long as such Counties shall remain so united as herein provided.

Certain Counties
to be united for
purposes other
than Representa-
tion and Regis-
tration of Titles,
to have Courts,
&c., in common.

VI. And be it enacted, That the County property of all such United Counties shall, so long as such Counties remain united, be the common property of such United Counties, in whichever of such Counties the same may be situated.

As to property of
United Counties.

Mode of describing any United County in laying a Venue.

VII. And be it enacted, That in laying the Venue in any judicial proceeding in which the same may be necessary in any County which may be so united to any other County, or Counties as hereinbefore provided, the same shall be laid in such County by name describing it, as one of the United Counties of and (naming them), and for the trial of any issue, or for the assessment of damages, in the course of any such judicial proceeding, when such issue shall be tried or such damages assessed by Jury, the Jury shall be summoned from the body of the United Counties, as if the same were one County.

Laws relative to Districts to apply to Unions of Counties.

VIII. And be it enacted, That during the continuance of any such Unions of Counties, all Laws now existing and applicable to Districts, and all Laws hereafter to be made, whether during the present or any future Session of Parliament, and applicable to Counties generally in relation to any matter whatsoever, except only Representation in the Provincial Parliament, and Registration of Titles, shall, to all intents and purposes whatsoever, apply to every such Union of Counties, as if such Union formed but one County.

III. DISSOLUTION OF UNIONS OF COUNTIES.

Which shall be called the Senior County.

IX. And be it enacted, That in all the Unions of Counties provided for by the fifth Section of this Act, the County within the limits of which the Court House and Gaol, heretofore the District Court House and Gaol shall be situated, shall be deemed the Senior County of such Union, and the other County or Counties, the Junior County or Counties thereof.

Townreeves of a Junior County may be made the Provisional Council of the County, provided certain conditions be complied with.

X. And be it enacted, That so soon as by the census taken according to any Act of Parliament now in force, or hereafter to be in force, for taking a census of the inhabitants of this Province, or of that part of it called Upper-Canada, it shall appear that any Junior County of any such Union of Counties, as is provided for by the said fifth Section of this Act, contains a population of not less than fifteen thousand souls, it shall and may be lawful for the Governor of this Province, by an Order in Council upon the Petition of two-thirds or more of the Townreeves for the time being of such Junior County, if he shall deem the circumstances of such Junior County such as to call for a separate establishment of Courts, and other County Institutions, to issue a Proclamation under the Great Seal of this Province setting forth the same, naming a place within such Junior County for a County Town, and erecting the Townreeves for such Junior County, then elected or thereafter to be elected for the same, into a Provisional Municipal Council for such Junior County, and declaring such Municipal Council a Provisional Municipal Council, under the authority of this Act, until the dissolution of such Union of Counties as provided for by this Act: Provided always, nevertheless, firstly, that no such petition shall be presented or acted upon, unless adopted and signed by such two-thirds, in the month of February after their election or appointment, nor until a resolution declaratory of the expediency of presenting such petition shall have been adopted by a majority of such Townreeves for the time being, present at two several meetings to be called for that purpose, by a majority of such Townreeves for the time being, the one to be held some time in the month of February, in the year next but one preceding that in which such petition shall have been so adopted and signed, and the other in the month of February in the year next preceding such last mentioned year: Provided also, secondly, that every such Provisional Municipal Council shall, from time to time, and at all times during its continuance as such, consist of the Townreeves for the several Townships, Villages and Towns in such Junior County.

Proviso: Petition must be adopted by two thirds of the Townreeves after being adopted at two yearly meetings.

Of whom the Provisional Council shall consist.

Provisional Council may

XI. And be it enacted, That every Provisional Municipal Council erected by Proclamation as aforesaid, shall have all the powers in, over,

and with respect to such Junior County as are now by Law vested, or as hereafter may by Law be vested in the different Municipal Councils in Upper-Canada, so far as the same shall or may be requisite, for the purchase or procuring of the necessary property on which to erect a Court House and Gaol,—for the erection of such Court House and Gaol,—and for raising, levying and collecting the necessary moneys to defray the expenses of the same, and for remunerating the Provisional Officers employed or to be employed in or about the same: Provided always, that nothing herein contained shall extend or be construed to extend in any way to interfere with the powers of the Municipal Council of such Union, but all moneys to be raised by such Provisional Municipal Council as aforesaid, shall be independent of, and in addition to, any moneys that may be directed to be raised by the Municipal Council of such Union, under the powers in them vested or to be vested by Law.

purchase property for Court Houses and Gaols, and raise money for that purpose.

Proviso as to powers of the Council of the Union.

XII. And be it enacted, That every such Provisional Municipal Council shall have power in their discretion to appoint a Provisional Warden, a Provisional Treasurer, and such other Provisional Officers for such County as they may deem necessary for the purchase or procuring of such property,—the erection of such Court House and Gaol—the safe keeping of such moneys,—and the protection and preservation of such property when thus acquired; which Provisional Warden, Treasurer and other Provisional Officers shall hold their offices during the pleasure of such Provisional Municipal Council.

Provisional Officers may be appointed for such purpose.

XIII. And be it enacted, That every such Provisional Municipal Council shall be a Body Corporate by the name of the Provisional Municipal Council of the County of (naming it,) and as such, shall have all Corporate powers necessary for the purpose of carrying into effect the object of their erection into such Provisional Municipal Council as herein provided, and none other.

Provisional Council to be a Corporation.

XIV. And be it enacted, That all moneys directed to be assessed, levied and collected upon such Junior County by any By-law of such Provisional Municipal Council, shall be assessed, levied and collected by the same persons and in the same manner as the moneys directed to be assessed, levied and collected by the Municipal Council of the Union to which such County shall belong, and shall be paid over by the Collector thereof to the Provisional Treasurer of such Junior County in the like manner as other moneys are payable over to the Treasurer of such Union: Provided always, firstly, that every Collector of such moneys shall be entitled to deduct and apply to his own use, for the trouble and responsibility of such collection, a sum equal to two and a half per centum upon the moneys paid over by him to such Provisional Treasurer as aforesaid, and no more: Provided also, secondly, that the moneys so collected shall in law and equity be deemed and taken to be moneys collected for such Union, so far as to charge every such Collector with the same, and to render him and his sureties responsible to such Union for such moneys: And provided also, thirdly, that all such moneys recovered or received by any such Union from any such Collector or his sureties, shall, after deducting the expenses of collection, be accounted for to such Junior County, and paid over to the Provisional or other Treasurer thereof, so soon as the same shall be received.

How moneys directed to be raised shall be levied, &c.

Proviso: per centage to Collector.

Proviso: Collectors liable as for moneys of the Union.

Moneys to be accounted for to Junior County.

XV. And be it enacted, That so soon as any such Provisional Municipal Council for any such Junior County as aforesaid, shall have purchased or procured the necessary property, at the County Town of such County, and erected thereon suitable buildings for the purposes of a Court House and Gaol, adapted to the wants of such County, and in conformity with any statutory, or other rules or regulations in force respecting such buildings generally in Upper-Canada, it shall and may be

Junior County and Union to make agreement as to debt.

lawful for such Provisional Municipal Council to enter into an agreement with the Municipal Council of the Union to which such Junior County shall belong, for the adjustment and settlement of the proportion, if any, of any debt due by such Union, and which it may be just that such Junior County, on its being disunited from such Union, should take upon itself, with the time or times of payment thereof; and every such agreement, so entered into, shall, both in law and equity, be and continue to be binding upon such Junior County, and upon the County or Counties from which it shall be disunited: Provided always, firstly, that none of the Members of the Municipal Council of such Union, who shall also be Members of the Provisional Municipal Council of such Junior County, shall take any part or give any vote in the Municipal Council of such Union, on any question or matter touching or concerning such agreement or any proposal connected with the same: Provided also, secondly, that in default of the said Municipal Councils entering into any such agreement, the proportion of such debt, to be assumed by such Junior County shall be settled by the award of three Arbitrators, or the majority of them, to be appointed so soon as such property shall have been purchased or procured, and such Court House and Gaol erected, as follows, that is to say, one by the Municipal Council of such Senior County or Union of Counties, and the other by the Provisional Municipal Council of such Junior County, and the third by such two Arbitrators thus appointed: or in the event of such two Arbitrators omitting to appoint such third Arbitrator within ten days next after their own appointment, then by the Governor of this Province in Council: Provided also, thirdly, that in case either such Municipal Council or such Provisional Municipal Council, shall omit for one calendar month after they shall have been called upon for that purpose by the other of such Councils, to appoint an Arbitrator on their part as above provided, it shall and may be lawful for the Governor in Council to appoint an Arbitrator on the part and behalf of such Municipal Council, or Provisional Municipal Council so neglecting or omitting to appoint such Arbitrator, who shall, in such case, have all the same powers as if he had been appointed by such Municipal Council, or Provisional Municipal Council, as the case may be: And provided also, fourthly, that every such submission and award shall be subject to the jurisdiction of Her Majesty's Court of Queen's Bench for Upper Canada, in like manner as if the same were by bond with an agreement therein, that such submission might be made a Rule of that Court: And provided also, fifthly, that the portion, if any, of such debt so agreed upon or settled, shall be a debt due from such Junior County to the County or Counties from which it shall have been disunited, and shall bear legal interest from the day on which the Union shall be actually dissolved, as hereinafter provided: and its payment shall be provided for by the Municipal Council of such Junior County, after the dissolution of such Union, in like manner as is or shall be required by law, with respect to other debts due by such Municipal Council, in common with others, and in default thereof, may be sued for and recovered as any of such other debts.

Who may vote as to such agreement.

Arbitration for default of agreement.

Third Arbitrator how appointed.

Proviso: Governor in Council to appoint an Arbitrator in default of either Council.

Award to be subject to jurisdiction of Queen's Bench.

Settled portion as due by Junior County to bear interest and be provided for as other debts.

Assessments for the year of separation to belong to the Union.

Appointment of Sheriff, Judges, Justices, &c., in the Junior County after separation.

XVI. And be it enacted, That all assessments imposed by the Municipal Council of any such Union, for the Calendar year in which any Proclamation for disuniting any Junior County from such Union shall issue, as hereinafter mentioned, shall belong to such Union, and shall be collected, accounted for, and paid over accordingly.

XVII. And be it enacted, That so soon as may be after such Provisional Municipal Council shall make it appear, to the satisfaction of the Governor of this Province in Council, that such property has been purchased or procured, and such Court House and Gaol erected, and the proportion of the said debt (if any) to be assumed by such Junior County

shall have been adjusted or settled as aforesaid, a Judge, a Surrogate, a Sheriff, at least one Coroner, a Clerk of the Peace, and, at least, twelve Justices of the Peace, shall be appointed for such Junior County, with a proviso in the Commissions appointing them respectively, that such Commissions respectively shall not take effect or be in force until the day on which such Counties shall be disunited, as hereinafter provided: Provided always, nevertheless, that the sureties to be given by such Sheriff, as required by the Act of the Parliament of the late Province of Upper-Canada, passed in the third year of the Reign of His late Majesty King William the Fourth, numbered chapter eight, and intituled, *An Act to make certain regulations relating to the office of Sheriff in this Province, and to require the several Sheriffs of this Province to give security for the due fulfilment of the duties of their office*, and the affidavit of his qualification in respect of property required by the same Act, shall not be required to be entered into, made, or given, by any such Sheriff so appointed, within the time specified in that Act, but shall be entered into, and made and given within the first six calendar months next after the Commission of such Sheriff shall take effect as aforesaid, and in default of the same being duly entered into, made and given, within such six months, such Sheriff shall, *ipso facto*, forfeit his office.

Proviso as to the security to be given by the Sheriff under Act of U. C. 3. W. 4 c. 8.

XVIII. And be it enacted, That so soon as such appointments shall be so made as aforesaid, it shall and may be lawful for the Governor of this Province in Council, by Proclamation under the Great Seal thereof, to declare such Junior County disunited from such Union, upon, from and after the first day of January which shall occur next after three calendar months after the *teste* of such Proclamation, and such Junior County shall, upon, from and after such first day of January, to be so named in the said Proclamation, as aforesaid, be, to all intents and purposes whatsoever, disunited from such Union, and if such Union shall have consisted of only two Counties, such Union shall, upon, from and after such first day of January, be absolutely dissolved; and if of more than two Counties, the remaining Counties shall remain united, and thereupon the said Provisional Municipal Council of such Junior County shall, upon, from and after such day, lapse and be absolutely dissolved, and none of the Courts or Officers of the Senior County, or of the Union, shall, as such, have any jurisdiction or authority whatsoever in or over the said County so disunited from such Union, as aforesaid; any thing in their respective Commissions, or in any Act of Parliament, either of this Province or the late Province of Upper-Canada, to the contrary notwithstanding.

On 1st January next after the end of two months from the date of a Proclamation to be issued in that behalf, the Union shall be dissolved, &c.

As to remaining Counties if the Union was of more than two.

XIX. And be it enacted, That upon the disuniting any such Junior County from any such Union, there shall be a separate Registry of Titles for such County as for other Counties generally in Upper-Canada.

Separate Registry of deeds for Junior Counties

XX. And be it enacted, That upon the disuniting any such Junior County from any such Union, all the Public Property of such Union not situate, lying and being within such Junior County, shall, *ipso facto*, become the sole property of, and be thereupon vested in the remaining County or Counties of such Union, and all the public property of such Union situate, lying and being within the limits of such Junior County, shall, *ipso facto*, become the sole property of and be thereupon vested in such Junior County.

Property of the Union in either County to become the property of that County.

XXI. And be it enacted, That all Actions, Informations and Indictments, pending at the time so appointed by Proclamation for the disuniting such Junior County from such Union, shall be tried in the Senior County, unless by order of the Court in which the same shall be pending in Term time, or of some Judge thereof in vacation, the Venue therein shall be changed to the Junior County, which change every such Court

Provisions as to actions, &c., pending at the dissolution of any Union.

or Judge, is hereby authorized to grant and direct, either on the consent of parties, or in their or his discretion, on hearing such parties to the point by affidavit or otherwise.

Proceedings if the Venue be changed.

XXII. And be it enacted, That upon any such change of Venue, the records and papers of every such Action, Information and Indictment shall, when necessary, be transmitted to the proper Offices of such Junior County.

Laws applicable to Gaols and Court Houses to become applicable to those in the Junior County, &c.

XXIII. And be it enacted, That all and every the Rules and Regulations, provisions matters and things contained in any Act or Acts of the Parliament of this Province, or of the Parliament of the late Province of Upper-Canada, for the Regulation of or relating to Court Houses and Gaols, or either of them, which shall be in force and operation at the time so appointed by Proclamation for disuniting such Junior County from such Union as aforesaid, shall be and are hereby extended to the Court House and Gaol of such County so disunited as aforesaid, and the said Courts of Assize, Nisi Prius, Oyer and Terminer, Gaol Delivery, Sessions of the Peace, County, Surrogate, and every other Court of the said Junior County required to be held at a certain place, shall be commenced, and from time to time holden at the Court House so erected and declared to be the Court House of such County by such Proclamation as aforesaid, or any other that may be lawfully substituted for the same.

Certain Counties to consist of all the Townships within their area for all purposes.

XXIV. And whereas the Counties mentioned in the Schedule to this Act annexed marked C. comprehend one area of territory for some purposes, and another and different area for other purposes: And whereas such diversities are inconvenient and should be discontinued—Be it enacted, That the several Counties mentioned in the said Schedule marked C, shall, as well for the purposes of Representation, and the Registration of Titles, as for Judicial, Municipal, and all other purposes whatsoever, consist of and include the Townships and places mentioned as lying therein, the said Schedule C, and such other Townships and places as from time to time may hereafter be attached thereto according to Law.

Oneida and Seneca attached to Wentworth for certain purposes.

XXV. And be it enacted, That for judicial purposes only, the Townships of Oneida and Seneca shall remain attached to and form part of the County of Wentworth so long as the County of Haldimand shall remain united to the County of Lincoln, and no longer.

Rainham and Walpole attached to Norfolk for certain purposes.

XXVI. And be it enacted, That for judicial purposes only, the Townships of Rainham and Walpole shall remain attached to and form part of the County of Norfolk so long as the County of Haldimand shall remain united to the County of Lincoln, and no longer.

How certain Counties are to be formed for all purposes.

XXVII. And be it enacted, That the several Counties in Upper-Canada not mentioned in the Schedule to this Act annexed marked C, shall, as well for the purpose of Representation and the Registration of Titles, as for Judicial, Municipal and all other purposes whatsoever, consist of and include the several Townships, Villages, Towns and places of which for the purpose of Representation, such Counties are now by Law declared to consist, and such other Townships and Places as from time to time may hereafter be attached thereto according to Law: Provided always nevertheless, that nothing in this Section contained shall interfere, or be construed to interfere, with the union of certain of such Counties for the purposes of Representation in Parliament as hereinafter mentioned.

How Cities are to be formed for purposes of Representation.

XXVIII. And be it enacted, That for the purposes of Representation in the Provincial Parliament, the City of Toronto and the Liberties thereof shall form no part of the County of York; the City of Kingston and the Liberties thereof, no part of the County of Frontenac; and the

City of Hamilton and the Liberties thereof, no part of the County of Wentworth; and the Towns of Niagara, Cornwall, Brockville, London and Bytown, no part of the respective Counties of Lincoln, Stormont, Leeds, Middlesex, or Carleton, within the bounds of which such Towns are respectively situated.

Toronto, Kingston and Hamilton, united to their counties for Judicial purposes.

Exceptions.

XXIX. And be it enacted, That the Cities of Toronto, Kingston and Hamilton, with their respective Liberties, shall for all Judicial purposes except as hereinafter excepted, be united to the following Counties respectively, that is to say: the said City of Toronto and the Liberties thereof to the County of York; the said City of Kingston and the Liberties thereof to the County of Frontenac; and the said City of Hamilton and the Liberties thereof to the County of Wentworth; excepting always nevertheless, as respects such Cities and the Liberties thereof, such Judicial Powers and Provisions as are comprehended in the respective Legislative Charters of such Cities respectively, or such powers and provisions as may be so comprehended in any Act or Acts for amending those Charters or any of them, or in any general Act for that purpose applicable to the whole of such Cities in general, or in any other Act or Acts applicable to them, or any of them in particular.

IV. MISCELLANEOUS AND TEMPORARY PROVISIONS.

XXX. And be it enacted, That the Townreeves of the different Townships, Unions of Townships, Villages and Towns in the Counties of Kent and Lambton, shall form a Provisional Municipal Council for such Counties as United Counties, and such Provisional Municipal Council shall, with respect to such Counties, have, possess and exercise all and singular the rights, powers, privileges and duties hereby conferred, granted or imposed upon Provisional Municipal Councils generally, erected by Proclamation under the authority of this Act, and also all such powers as by an Act of the Parliament of this Province, passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, intituled, *An Act to divide the Western District of the Province of Canada, and for other purposes therein mentioned*, were conferred upon the Township Councilors of the different Townships of the said Counties; and such Provisional Municipal Council shall be charged with and liable to any debt that may have been contracted by competent authority on behalf of the District by that Act intended to be erected; and the Municipal Corporation of such United Counties, both Provisional and Permanent, shall and they are hereby required to provide for the payment of every such debt, and in default of their doing so, the same shall and may be sued for, recovered and levied by rate or otherwise, as in the case of debts of any other Municipal Corporation in Upper Canada.

Provision as to the United Counties of Lambton and Kent.

Act 10 & 11 V. c. 39.

XXXI. And be it enacted, That so soon as the Court House and Gaol, now in course of being erected under the authority of the said Act of Parliament last mentioned, shall have been completed, according to the provisions of the said Act, and the other provisions of the fifteenth Section of this Act, shall have been complied with by the said United Counties of Kent and Lambton, it shall and may be lawful for the Governor of this Province in Council to issue a Proclamation, dissolving the Union between the said United Counties of Kent and Lambton and the County of Essex, and from thenceforth the said United Counties of Kent and Lambton shall form a Union of Counties, and all the provisions of this Act applicable to Unions of Counties in general shall be applicable to such Union to all intents and purposes, as if such United Counties were set forth as such in the Schedule to this Act annexed marked A.

Further provision in regard to the United Counties of Kent and Lambton.

Provision as to pending actions and other proceedings in the present Districts.

XXXII. And be it enacted, That all actions, informations, indictments, inquisitions and other proceedings, of what nature or kind soever, whether of a judicial or any other character, now pending in the several Districts in Upper-Canada, shall from henceforth be deemed and taken to all intents and purposes whatsoever, to be pending in the Counties or Unions of Counties, to which they are respectively transferred, as respectively set forth in the Schedule to this Act annexed marked B, as if the same had been originally instituted and proceeded with in such Counties or Unions of Counties respectively, and the different Courts, Officers and other Authorities in which or before whom the same shall be respectively pending, shall take such order respecting the same as may be necessary or expedient for the proper disposition of the same, according to law, without prejudice to the parties interested or affected, or any of them, from the abolition of such Division into Districts, and the establishment of a Division into Counties in lieu thereof, as herein provided.

Recital.

Townreeves in each of the counties of Haldimand and Welland to be a Provisional Council, &c.

XXXIII. And whereas divers of the inhabitants of each of the two Counties of Haldimand and Welland, the Junior Counties of the United Counties of Lincoln, Haldimand and Welland, have petitioned Parliament to be set apart for judicial and other purposes, and the sense of the said two Counties respectively being in favour of such separation, and their wealth and population being sufficient to entitle them to the same, according to the provisions of this Act, for the dissolution of such Unions, it appears expedient that provision should be at once made for enabling such two Counties, or either of them, to procure such separation so soon as they shall have made the necessary preparations for that purpose: Be it therefore enacted, That the Townreeves of the different Townships, Unions of Townships, Villages and Towns in each of the said two Counties of Haldimand and Welland, shall form a Provisional Municipal Council for each of such Counties respectively; And each of such Provisional Municipal Councils shall, with respect to their respective Counties, have, possess and exercise all and singular the rights, powers, privileges and duties hereby conferred, granted or imposed upon Provisional Municipal Councils generally erected by Proclamation, under the authority of this Act, and each of such Provisional Municipal Councils shall and may, so soon as they shall think fit so to do, proceed to determine the place in such County for the County Town thereof, and to purchase the necessary property thereat, and to erect the necessary public buildings upon such property.

Provision respecting the Union of the counties of Lincoln, Haldimand and Welland.

XXXIV. And be it enacted, That so soon as the Court House and Gaol of either of such two Counties shall have been erected and completed at the County Town of such County, according to the provisions of the fifteenth section of this Act, and the other provisions of the said fifteenth section shall have been complied with by such County, it shall and may be lawful for the Governor of this Province in Council, to issue a Proclamation dissolving the Union between such County and the United Counties of Lincoln, Haldimand and Welland, or, if one of such Counties shall have been then already separated by Proclamation from such Union, then dissolving the Union between such County and the said County of Lincoln, and from the date of such Proclamation dissolving the Union between either of such Counties and the other two Counties belonging to such Union, the remaining County shall, with the said County of Lincoln, form a Union of Counties until the Union between the other of such Counties and the said County of Lincoln shall in like manner be dissolved, and from the separation of either of such two Counties from the said United Counties of Lincoln, Haldimand and Welland, the said County of Lincoln and the other of such two Counties shall form a Union of Counties under this Act, until the separation of such two

last mentioned Counties as herein provided ; and all the provisions of this Act applicable to Unions of Counties in general, shall be applicable to such Union, to all intents and purposes, as if the said County of Lincoln and such other County had been set forth as such, in the Schedule to this Act annexed marked A.

XXXV. And be it enacted, That all the public property, both real and personal, of the several Districts in Upper-Canada, shall become the property of, and the same is hereby conveyed and transferred to and vested in the Municipal Corporations of the several Counties and Unions of Counties, to which respectively the judicial and other proceedings pending in such Districts respectively, are transferred by the thirtieth Section of this Act, as set forth in the said Schedule to this Act, annexed marked B.

Property of Districts transferred to Counties and Unions.

XXXVI. And be it enacted, That all Acts and parts of Acts and provisions of Law of what nature or kind soever, in force in that part of this Province called Upper Canada, or any part thereof, immediately before the time this Act shall come into force, which shall be inconsistent with or contradictory to this Act, or any part thereof, or which make any provision in any matter provided for by this Act, other than such as is hereby made in such matter, shall, so far as the same shall be inconsistent with the provisions of this Act or any of them, be, and the same is hereby so far repealed to all intents and purposes whatsoever.

Acts, &c., inconsistent with this Act repealed.

XXXVII. And be it enacted, That Her Majesty's Justices of the Peace, and other persons holding Commission or Office, or bearing lawful authority, in the different Districts in Upper-Canada, from which judicial and other proceedings are by this Act transferred to the several Counties and Unions of Counties in the same, as set forth in the Schedule to this Act annexed marked B, shall continue to hold, enjoy and exercise the like Commission, Office, Authority, Power and Jurisdiction, within the County or Union of Counties respectively, to which such judicial and other proceedings are hereby respectively transferred as in the said Schedule set forth, respectively, to all intents and purposes whatsoever, as if their respective Commissions or other authorities were expressed to be for such County or Union of Counties, instead of for such District respectively.

Who shall be Justices of the Peace in Counties and Unions.

XXXVIII. And be it enacted, That this Act may be amended, altered or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended this Session.

SCHEDULE A.

Schedule A.

Counties of Upper-Canada united for Judicial and other purposes.

The United Counties of—

1. Essex and Kent.
2. Frontenac, Lennox and Addington.
3. Lanark and Renfrew.
4. Leeds and Grenville.
5. Lincoln, Haldimand and Welland.
6. Northumberland and Durham.
7. Prescott and Russell.
8. Stormont, Dundas and Glengarry.
9. Wentworth and Halton.

DIVISION OF COUNTIES.

Schedule B.

SCHEDULE B.

Counties and Unions of Counties in Upper-Canada, to which Judicial and other proceedings of the late Districts are transferred respectively under this Act:

To,

1. Carleton.....	those of the Dalhousie District.
2. Essex and Kent.....	“ Western “
3. Frontenac, Lennox and Addington.....	“ Midland “
4. Hastings	“ Victoria “
5. Huron	“ Huron “
6. Lanark and Renfrew	“ Bathurst “
7. Leeds and Grenville	“ Johnstowna “
8. Lincoln, Haldimand and Welland.....	“ Niagara “
9. Middlesex.....	“ London “
10. Norfolk.....	“ Talbot “
11. Northumberland and Durham.....	“ Newcastle “
12. Oxford	“ Brock “
13. Peterborough.....	“ Colborne “
14. Prescott and Russell.....	“ Ottawa “
15. Prince Edward.....	“ Prince Edward “
16. Simcoe.....	“ Simcoe “
17. Stormont, Dundas and Glengarry..	“ Eastern “
18. Waterloo.....	“ Wellington “
19. Wentworth and Halton.....	“ Gore “
20. York	“ Home “

Schedule C.

SCHEDULE C.

Counties in Upper-Canada which henceforth shall, for all purposes, include and consist of the Townships and places therein mentioned.

1. Haldimand, which shall include and consist of the Townships of Canboro, Cayuga, Dunn, Moulton, Oneida, Rainham, Seneca, Sherbrooke, and Walpole.

2. Halton, which shall include and consist of the Townships of Beverley, Dumfries, Esqueving, East Flamborough, West Flamborough, Nassagaweya, Nelson and Trafalgar.

3. Norfolk, which shall include and consist of the Townships of Charlotteville, Houghton, Middleton, Townsend, Woodhouse, Windham, Walsingham and Long Pointe, and Ryerson's Island in Lake Erie.

4. Waterloo, which shall include and consist of the Townships of Arthur, Amaranth, Bentinck, Derby, Eramosa, Egremont, Erin, Guelph, Glenelg, Garrafraxa, Holland, Luther, Mornington, Minto, Maryborough, Melancton, Normanby, Nichol, Peel, Proton, Puslinch, Sydenham, Sullivan, Waterloo, Wilmot, Woolwich and Wellesley.

5. Wentworth, which shall include and consist of the Townships of Ancaster, Brantford, Binbrooke, Barton, Glandford, Onondago, Saltfleet and Tuscarora.

ESSEX, KENT AND LAMBTON.

ACT 12 VIC., CAP. 79.

An Act to supply certain necessary Legislative provisions not included in certain Acts therein mentioned.

[30th May, 1849.]

WHEREAS an Act of the Parliament of this Province was passed in this Session of Parliament held in the tenth and eleventh years of Her Majesty's Reign, chaptered thirty-nine, and intituled, *An Act to divide the Western District of the Province of Canada, and for other purposes therein mentioned*, and which Act is referred to and further provision made with respect to the territory to which the same applies by a certain other Act of the Parliament of this Province, passed in the present Session thereof, intituled, *An Act for abolishing the Territorial Division of Upper-Canada into Districts, and for providing for temporary Unions of Counties for Judicial and other purposes, and for the future dissolutions of such Unions, as the increase of wealth and population may require*; And whereas by the former of the said Acts provision was made for the erection of a new District, which description of territorial division is by the latter of such Acts abolished; And whereas, while the said last mentioned Act treats the area of territory which by the first mentioned Act was embraced in such new District as containing two separate counties under the names of Kent and Lambton, respectively, the Townships of which such Counties respectively consist are not specifically declared by either of the said Acts, and it is therefore expedient that such omission should be supplied: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower-Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That for the purpose of the said last mentioned Act, and for all other purposes whatsoever, the said County of Kent shall from henceforth include and consist of the Townships of Camden, Chatham, East Dover, West Dover, Harwich, Howard, Orford, Raleigh, Romney, East Tilbury, West Tilbury and Zone, and that the said County of Lambton shall from henceforth include and consist of the Townships of Brooke, Dawn, Bosanquet, Enniskillen, Euphemia, Moore, Plympton, Sarnia, Sombra, and Warwick; and this provision with respect to the said Counties shall have the like effect to all intents and purposes whatsoever, as if the same had been inserted in either or both of the said Acts of Parliament: Provided always, nevertheless, firstly, that the said County of Lambton shall for the purpose of representation in the Legislative Assembly, continue united with the said County of Kent so as together to return one member to the said Legislative Assembly, as the territory of which such Counties consist doth at present; And provided also, secondly, that the said Counties of Kent and Lambton and the County of Essex shall form a Union of Counties, to be known as the United Counties of Essex, Kent and Lambton, until such Union shall be dissolved by Proclamation as provided by the said last mentioned Act of Parliament, or otherwise as hereinafter provided, and all the provisions of the said last mentioned Act of Parliament, applicable to Unions of Counties in general, shall be

Preamble.

10 and 11 Vict.
c. 39.

County Substitution Act of this Session.

Of what Townships Kent and Lambton respectively shall consist.

Proviso as to representation.

Proviso as to the temporary Union of Kent, Essex and Lambton, for certain purposes.

applicable to such Union to all intents and purposes as if the same had been inserted in the said last mentioned Act of Parliament and the Schedules thereto annexed, under the name of the United Counties of Essex, Kent and Lambton as aforesaid, instead of under that of the United Counties of Essex and Kent.

Parts of Dawn, Sombra and Zone detached from the said Townships.

II. And be it enacted, That as well for the purposes of this Act and the said other Acts of Parliament hereinbefore mentioned and referred to, as for all other purposes whatsoever, so much of the said Township of Dawn as lies to the south of the south main branch of the River Sydenham, sometimes known as Bear Creek, shall be detached from the said Township of Dawn, and by and under the name of the Gore of Camden, be attached to and henceforth form a part of the said Township of Camden; that so much of the said Township of Sombra as lies to the south of the said south main branch of the said river shall be detached from the said Township of Sombra, and by and under the name of the North Gore of Chatham be attached to and henceforth form a part of the said Township of Chatham; and that so much of the said Township of Zone as lies to the north of the northerly side line of lots numbers fifteen in the several concessions of the said Township of Zone, shall be detached from the said Township, and shall henceforth form a new Township by and under the name of the Township of Euphemia.

New Township constituted.

Certain provisions of the County substitution Act extended to the Union of Kent, Essex and Lambton.

III. And be it enacted, That all the provisions of the thirty-third and thirty-fourth sections of the said last mentioned Act, making certain provisions with respect to the United Counties of Lincoln, Haldimand and Welland, shall extend and apply to the said United Counties of Essex, Kent and Lambton, and every of them, as if they and each of them had been mentioned in such sections and the said Schedules to the said Act annexed, respectively; and all the provisions in the said last mentioned Act of Parliament providing for a Union of the said Counties of Kent and Lambton, apart from and irrespective of their Union with Essex, shall be and the same are hereby repealed: Provided always, nevertheless, that all such provisions as by the Act of the Parliament of this Province, passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, intituled, *An Act to divide the Western District of the Province of Canada, and for other purposes therein mentioned*, were conferred upon the Township Councillors of the different Townships of the then County of Kent, shall be possessed by and vested in the Provisional Municipal Council of the said County of Kent as described in this Act; and such Provisional Municipal Council shall be charged with and liable to any debt that may have been contracted by competent authority on behalf of the District by that Act intended to be erected; and the Municipal Council of the said County of Kent as described in this Act, both Provisional and Permanent, shall and they are hereby required to provide for the payment of every such debt, and in default of their doing so, the same shall and may be sued for, recovered and levied by rate or otherwise as in the case of debts of any other Municipal Corporation in Upper-Canada.

Proviso as to certain provisions of 10 and 11 Vict., c. 30.

Recital.

On what application the Union between Lambton and the other Counties may be dissolved.

IV. And whereas from the geographical position of the said County of Lambton it is expedient that provision be made for its separation from the said Union, without waiting till its population shall be such as is required by the tenth section of the said Act of this present Session providing for the dissolution of such Unions: Be it therefore enacted, That it shall and may be lawful for the Governor of this Province by an Order in Council, upon the Petition of two-thirds or more of the Townreeves of the said County of Lambton, to issue a Proclamation under the said tenth section of the said last mentioned Act: Provided always, nevertheless, that none of the restrictions in the second proviso to the said

tenth section of the said last mentioned Act shall extend or apply to the said Petition.

V. And be it enacted, That the term "Townreeves" in the said last mentioned Act, in this Act, and in all other Acts passed or to be passed wherein it refers or shall refer to the Municipal Council of any County or Union of Counties, or to those who compose the same, shall include and be construed to include the Deputy-Townreeves for the different localities of such County or Union of Counties, as well as the Townreeves for the same.

Word Town-reeves interpreted.

VI. And be it enacted, That on the dissolution of the Union between any County and any other County or Union of Counties in the manner provided for by the said last mentioned Act, a Registrar shall be appointed for the County so separated, and a Registry Office for the registry of deeds shall be kept in and for the same at the County Town thereof, in the same manner and under the same provisions as in other Counties in Upper-Canada: Provided always, nevertheless, that unless where such separate Registry Office is already established in any such County, there shall be but one Registrar and one Registry Office for each Union of Counties in Upper-Canada, so long as they shall continue united as aforesaid.

Proviso as to Registry offices in case of dissolution of Unions.

Proviso.

VII. And be it enacted, That this Act shall come into and be in operation upon, from and after the first day of January, one thousand eight hundred and fifty.

Commencement of this Act.

VIII. And be it enacted, That this Act may be amended, altered or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended.

HURON, PERTH AND BRUCE.

ACT 12 VIC., CAP. 96.

An Act to divide the District of Huron, in the Province of Canada, and for other purposes therein mentioned.

[30th May, 1849.]

WHEREAS from the great extent of the District of Huron as at present constituted, and the consequent distance of some parts of it from the District Town, the inhabitants of those parts suffer great inconvenience; And whereas also, from the vastly increasing population and agricultural advancement thereof, it is expedient that the said District should be divided, and certain portions of the same should be set off and erected into new and separate Counties, to remain united to that of Huron until they shall be disunited under the provisions of the Act passed in the present Session, and intitled, *An Act for abolishing the Territorial Division of Upper Canada into Districts, and for providing for Temporary Unions of Counties for Judicial and other purposes, and for the future dissolutions of such Unions as the increase of wealth and population may require*: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intitled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby

Preamble.

County Substitution Act of this Session (c. 78) cited.

County of Huron divided into three Counties.

Perth.

Bruce.

Huron.

To what County a certain Peninsular Tract and certain Islands shall belong.

County of Perth to be considered as if a proclamation had issued under section 10 of the said Act, c. 78.

County Town appointed &c.

A Registry Office to be kept in the County of Perth.

Commencement of this Act

enacted by the authority of the same, That for all the purposes of the Act cited in the Preamble to this Act, the County of Huron shall be divided into three Counties, to be called respectively, the County of Huron, the County of Perth, and the County of Bruce: and the County of Perth shall include and consist of the Townships of Blanchard, Hibbert, Fullarton, Logan, Downie, (including the Gore of Downie,) Ellice, Easthope North, Easthope South, (including the Town of Stratford,) Elma and Wallace, in the now County of Huron, and Mornington in the now County of Waterloo; the County of Bruce shall include and consist of the Townships of Huron, Kinloss, Culross, Carrick, Kincardine, Greenock, Brant, Bruce, Saugeen, Elderslie and Arran; and the County of Huron shall include and consist of all the remainder of the now County of Huron (including the Town of Goderich,) but the said three Counties of Huron, Perth and Bruce shall remain united and form a Union of Counties for all the purposes of the Act last aforesaid, until such Union be dissolved in the manner provided in the said Act.

II. And be it enacted, That all that Peninsular Tract of Land lying to the northward of the Townships of Derby, Arran and Saugeen, and between Lake Huron and the Georgian Bay, and known as the Indian Reserve, together with every Island in Lake Huron or the Georgian Bay, any portion of which lie within ten miles of the shore of the said Peninsular Tract of Land, (unless such Island shall lie further south than the northern boundary line of the said Townships of Derby, Arran and Saugeen,) shall be annexed to and form part of the County of Waterloo: and that every such Island in Lake Huron as shall lie further south than the said boundary line, shall form part of such of the said Counties of Huron or Bruce respectively as such Island shall lie most adjacent to.

III. And whereas the population of the said County of Perth exceeds twelve thousand, and from its geographical position it is expedient that provision be made for its separation from the said Union without waiting till its population shall be such as is required by the tenth section of the said Act recited in the Preamble to this Act: Be it therefore enacted, That the said County of Perth shall, for all the purposes of the Act last aforesaid, be considered and dealt with as if a Proclamation had issued under the tenth section of the said Act, naming the Town of Stratford as the County Town thereof, and erecting the Townreeves of the said County then elected or thereafter to be elected for the same, into a Provisional Municipal Council for the said County, and declaring such Municipal Council a Provisional Municipal Council for the same under the said Act, until the dissolution of the Union of the said County with the Counties of Huron and Bruce; and the said Townreeves shall accordingly be a Provisional Municipal Council for the said County of Perth, and shall have and exercise all the powers by the said Act vested in any such Provisional Municipal Council.

IV. And be it enacted, That when the Union of the said County of Perth and the Counties of Huron and Bruce shall be dissolved in the manner provided by the Act aforesaid, a Registrar shall be appointed for the said County of Perth, and a Registry Office for the Registration of Deeds shall be kept in and for the same at the County Town thereof, in the same manner and under the same provisions as in other Counties in Upper Canada.

V. And be it enacted, That this Act shall have force and effect upon, from and after the first day of January, in the year of Our Lord, one thousand eight hundred and fifty, and not before.

JOINT STOCK COMPANIES,

FOR

ROADS, BRIDGES, WHARVES, &c.

ACT 12 VIC., CAP. 84.

An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other Works in Upper Canada.

[30th May, 1849.]

WHEREAS it is expedient to encourage the construction of sawed, hewed or split Plank, Macadamized or Gravelled Roads, and also Bridges, Piers, Wharves, Slides and Dams connected therewith, in Upper Canada, by Companies who may be disposed to subscribe the necessary capital for the completion thereof; And whereas the delay and expense incident to obtaining a special Act of Incorporation from the Legislature for each separate Company, operate as a great discouragement to persons desirous of embarking capital for the formation of such Companies: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the government of Canada*, and it is hereby enacted by the authority of the same, That any number of persons not less than five, respectively, may in Upper Canada, in their discretion form themselves into a Company or Companies under the provisions of this Act, for the purpose of constructing in and along any public Road or Highway, allowance for Road or otherwise, any Road or Roads of the kind mentioned in the Preamble to this Act, not less than two miles in length, and also any Bridge or Bridges, Pier or Piers, Wharf or Wharves, Slide or Slides, and Dam or Dams connected therewith in Upper Canada: Provided always, that no such Company shall construct any such road or other such works aforesaid, through, over, along or upon any private property or property of the Crown, without having first obtained the permission of the owner or owners, occupier or occupiers thereof, or of the Crown, so to do, except as hereinafter provided; nor shall any such road be made of a higher grade than one foot elevation to twenty feet along the road, without the sanction of the Chief Engineer superintending Public Works in the neighbourhood thereof; And provided also, that no such Company shall be formed under the provisions of this Act to construct any line of road for which a Charter shall have heretofore been granted, provided such Chartered Company shall have its stock subscribed and be in a course of completing the work for which such Charter shall have been granted, within one year from the passing of this Act, nor shall any private property be taken for any other such work as aforesaid without the consent of the owner, if such owner shall himself commence such work within one year and shall complete the same within two years from the time he shall be notified that a Company has been formed for constructing the same, nor shall any property of the Crown be so taken without the approval of the Governor in Council; And provided also, that no such road shall be constructed or pass within the limits of any City or the liberties thereof, or within the limits of any Incorporated Town or Village, except by special permission under a By-law of such City,

Preamble.

Companies may be formed for the construction of Plank and other Roads, Bridges, Slides and other works.

Proviso as to taking property.

Grade of Road.

Proviso as to Lines for which other Companies have been chartered.

Proviso as to Towns, &c.

Proviso as to
Bridges on any
Road.

Town or Village, to be passed for that purpose; Provided also, that all bridges in the line of road between the termini of any such road, shall be deemed part of such road to all intents and purposes whatever, unless specially excepted in the Instrument of Association of such Company.

Any Twelve
Freeholders may
oppose the con-
struction &c. of
any Road.

II. Provided always, and be it enacted, That, if twelve freeholders resident within half a mile of any line of road proposed to be made, plankd, gravelled or macadamized by any Company to be formed under the provisions of this Act, shall give notice in writing to the President, Chairman or other presiding Officer of any Company, or meeting convened to form any such Company, that they intend to oppose the formation or improvement of any such projected line of road, no further action shall be had towards the prosecution of such work until after the then next sitting of the Municipal Council having jurisdiction throughout the line of such intended road, provided such notice shall have been given before any such work shall have been commenced; Provided always, that when any new road shall have been or be opened, or the line of any old road changed, it shall be lawful for the Municipality having such jurisdiction as aforesaid to pass a By-law directing and permitting the old road or part of a road to be closed up, and embraced within the enclosure of the person or persons from whom ground shall have been taken to form such new road, provided it shall not exclude any person residing on or near the old road from a convenient access to the new road.

Proviso as to
old Roads
ceasing to be
required.

Municipal
Council may
hear and decide
upon such oppo-
sition.

III. And be it enacted, That if the Municipal Council of such locality as aforesaid shall, upon such opposition made, pass any By-law prohibiting, varying or altering any such intended line of road, such By-law shall have the same force and effect, and be as binding, effectual and obligatory upon all persons whosoever and upon any such Company as if the provisions thereof had been inserted in the body of this Act.

Companies to
become incorpo-
rated on certain
conditions.

Six per cent of
capital to be paid
up.

IV. And be it enacted, That when any number of persons, not less than five, shall have subscribed a sufficient quantity of stock to amount to a sum adequate in their judgment to the construction of any such road or other work, and shall have executed an Instrument according to the form in the Schedule to this Act contained, and shall have paid to the Treasurer of such intended Company six per cent. upon the capital stock intended by such Company to be raised for the construction of the road or other work contemplated by such Company to be formed as aforesaid, and shall have registered such Instrument, together with a receipt from the Treasurer of such Company for such first Instalment of six per cent, as aforesaid, with the Register of any County through or along the boundary of which such road shall be intended to pass, or where such other work shall be situate, such Company shall thenceforth become and be a Chartered and Incorporated Company, by such name as shall be designated in the Instrument so to be registered as aforesaid, and by such name they and their successors shall and may have perpetual succession, and shall be capable both at law and in equity of suing and being sued, of impleading and being impleaded, answering and being answered unto, defending and being defended in all Courts of Law and Equity and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and they and their successors may have a Common Seal, and the same may make, alter and change at their will and pleasure, and that they and their successors by their corporate name shall be capable of purchasing, taking, having, holding and conveying, selling and departing with, any lands, tenements and hereditaments whatsoever which may be or have been thought to be useful and necessary for the purposes of such Corporation.

Their Cor-
porate powers.

Common Seal.

Holding lands,
&c.

V. And be it enacted, That any such Company, or any other Company heretofore chartered by Act of the Legislature for a like purpose, shall have full power and authority to explore the ground or the country lying between the termini of any road, or supposed to be adapted for the site of any other such work as aforesaid intended to be constructed by any such Company, and to designate and establish, take, appropriate, have and hold to and for the use of them and their successors, the requisite lands upon the line and within the limits of any such road or for any such other work as aforesaid, according to the provisions hereinafter contained for acquiring the same; and to dig, take and carry away stone, gravel, sand, earth and other like materials from any adjoining or neighbouring lands, and also to cut, make and keep in repair upon such adjoining or neighbouring lands, such ditches, drains and water-courses as may be necessary for effectually draining and carrying off the water from any such road or other work; and whenever any such road passes through or by any wood or standing timber, to cut down the trees and under-wood for one hundred feet on each side of the said road, making compensation therefor as hereinafter provided; and for the purpose aforesaid, the said Company and their agents, servants and workmen are hereby authorized and empowered to enter into and upon the lands and grounds of any person or persons, body or bodies corporate or politic.

Powers of Company to explore the country and to take lands and materials.

Drainage.

Cutting.

Entering upon lands.

VI. And be it enacted, That the affairs, stock property and concerns of every such Company which shall or may be formed under the provisions of this Act, shall, for the first year, be managed and conducted by five Directors to be named in the said Instrument so to be registered as aforesaid, and thereafter to be annually elected by the Stockholders according to the provisions of any By-law which the first named Directors or their successors shall from time to time pass for that purpose; and that upon every such election of Directors, each Stockholder shall be entitled to one vote for every share he may hold or be possessed of in the said Company; and any majority of such Directors shall be a *quorum* for the transaction of business.

Affairs of Companies to be managed by five Directors. How appointed.

Votes of Shareholders.

Quorum.

VII. And be it enacted, That if at any time after the formation of any such Company in manner aforesaid, the Directors shall be of opinion that the original capital subscribed will not be sufficient to complete the work contemplated by such Company to be executed, it shall and may be lawful for the said Directors, under a Resolution to be passed by them for that purpose, either to borrow upon the security of the said Company, by bond, or mortgage of the road and tolls to be collected thereon, a sufficient sum of money to complete the same, or to authorize the subscription upon the said original Instrument so to be registered as aforesaid, of such number of additional shares as shall be named in the said Resolution, a copy whereof under the hand of the President and seal of the Company, shall, by the said Register, be annexed to the said original Instrument, upon the same being delivered to him by the said President, at the office of the said Register, who shall thereupon permit such additional subscriptions upon a receipt from the Treasurer of six per cent upon the amount of such subscriptions respectively.

Directors may authorize an increase in the number of shares when necessary or may borrow money on mortgage.

VIII. And be it enacted, That each share in every such Company shall be five pounds, and shall be regarded as personal property, and shall be transferable upon the books of such Company, in such manner as shall be provided by any By-law to be made by the Directors in that behalf.

Shares to be of £5 each, and how transferable.

IX. And be it enacted, That any such Company so to be incorporated as aforesaid, may, in any Court having jurisdiction in matters of simple contract to the amount demanded, sue for, recover and receive of or from any Stockholder in such Company, the amount of any call or calls

Companies may sue for amount of calls unpaid.

Notice.

of stock which such Stockholder may neglect to pay, after public notice thereof in any newspaper published in the District where the Directors shall usually meet for conducting the business of such Company, or if there be no newspaper published in such District, then in some adjoining District.

Arbitrators to be appointed in case of owners of property through which the road may pass, &c., disagreeing with the Company.

Mode of computing damages, &c.

Tender or payment.

Proviso: If the party shall neglect to name an arbitrator, or the arbitrators cannot agree on a third.

Award may be made by any two.

Proviso as to gardens, yards, &c.

How Arbitrators shall be appointed when the owners of the lands are absent, or unable to sell, or the lands are mortgaged, &c.

X. And be it enacted, That if the owner or owners, occupier or occupiers of any land, over, or through, or upon which any such Company as aforesaid may be desirous of constructing any such road or other work, or from which materials are to be taken, or upon which any power given by this Act to the Company is intended to be exercised, shall upon demand made by the Directors of any such Company, neglect or refuse to agree upon the price or amount of damages to be paid for, or for passing through or over such land, and appropriating the same to and for the uses of any such Company, or for the exercise of any such power as aforesaid, it shall and may be lawful for the said Company to name one Arbitrator, and for the owner or occupier of such land so required, or with regard to which such power is intended to be exercised as aforesaid, to name another Arbitrator, and for the said two Arbitrators to name a third, to arbitrate upon, adjudge and determine the amount which the said Company shall pay before taking possession of such land, or exercising such power as aforesaid; and upon such sum being ascertained, due attention being had by the Arbitrators in ascertaining the same, to the benefits to accrue to the party requiring compensation, by the construction of the said road or other work, it shall be lawful for the said Company to tender such sum to the said party claiming compensation, who shall thereupon execute a conveyance to the said Company, or such other document as may be requisite, and the said Company shall, after such tender, whether such conveyance or document be executed or not, be fully authorized to enter upon and take possession of such land to and for the uses of the said Company, and to hold the same, or to exercise such power as aforesaid, in such and the like manner as if such conveyance thereof or other document had been executed as aforesaid: Provided always, that if any such owner or occupier shall neglect to name an Arbitrator for the space of twenty days after having been notified so to do by the Company, or if the said two Arbitrators do not agree upon such third Arbitrator, within twenty days after the appointment of the second Arbitrator, then upon the application of the said Company or of the other party, the Judge of the District Court holden within the District, shall nominate one of the Councillors of one of the Townships next adjacent to that in or along which the land shall be situate, which it is proposed to take, or with regard to which such power is intended to be exercised as aforesaid, to be either the second or the third Arbitrator, in lieu of the one so to be appointed and named, but not appointed or agreed upon by the party or by the two first named Arbitrators as aforesaid, and any award made by a majority of the said Arbitrators shall be as binding as if the three Arbitrators had concurred in and made the same; Provided, that no road or other such work as aforesaid shall be made through or upon any pleasure ground, garden, yard or orchard, or materials taken therefrom, nor shall any timber be taken from any enclosed lands, without the consent of the owner.

XI. And be it enacted, That whenever any lands or grounds required by any such Company, for the purposes of any road or other such work, or with regard to which any such power is to be exercised as aforesaid, are held or owned by any person or persons, bodies politic, corporate or collegiate, whose residence may not be within this Province, or unknown to the said Company, or where the titles to any such lands or grounds may be in dispute, or where such lands may be mortgaged, or

when the owner or owners of such lands or grounds are unable to treat with the said Company for the sale thereof, or the exercise of any such power as aforesaid by the Company, or to appoint Arbitrators as aforesaid, it shall and may be lawful for the said Company to nominate one indifferent person, and for the Judge of the District Court for the District in which the lands are situate, on the application of the said Company, to nominate and appoint one other indifferent person, who, together with one other person to be chosen by the persons so named, before proceeding to business, or, in the event of their disagreeing as to the choice of such other person, to be appointed by any such Judge as aforesaid, before the others proceed to business, shall be Arbitrators to award, determine, adjudge and order the respective sums of money which the said Company shall pay to the respective parties entitled to receive the same, for the said lands or grounds, or damages as aforesaid, and the decision of the majority of such Arbitrators shall be binding; which said amount so awarded the said Company shall pay or cause to be paid to the several parties entitled to the same when demanded; and also that a record of such award or arbitration shall be made up and signed by the said Arbitrators, or a majority of them, specifying the amount awarded and the costs of such arbitration which may be settled by the said Arbitrators, or a majority of them, which record shall be deposited in the Registry Office of the County in or along which such lands or grounds are situate; and that the expenses of any Arbitration under this Act, shall be paid by the said Company, and by them deducted from the amount of such award, on payment thereof to the parties entitled to receive the same, if the Company shall before the appointment of their Arbitrator, have tendered an equal or greater sum than that awarded by the Arbitrators, and otherwise by the opposite party, and the Arbitrators shall specify in their award by which of the parties the said costs are to be paid: And provided also, that all lands or grounds which shall hereafter be taken by any such Company for the purposes of any road or other such work, and which shall have been purchased and paid for by any such Company in the manner hereinbefore provided, shall become and thenceforward shall continue to be the property of such Company free from all mortgages, incumbrances and other charges.

Amount of award to be paid forthwith.

Award to be registered.

By whom the costs shall be paid.

Proviso: Lands taken to be free of incumbrances.

XII. And be it enacted, That if any such road shall pass through any tract of land or property belonging to or in possession of any tribe of Indians in this Province, or if any property belonging to them be taken or any act occasioning damage to their properties or their possessions shall be done under the authority of this Act, compensation shall be made to them therefor, in the same manner as is provided with respect to the property, possession or rights of other individuals; and that whenever it shall be necessary that Arbitrators be chosen by the parties for settling the amount of such compensation, the Chief Officer of the Indian Department, within this Province, is hereby authorized and required to name an Arbitrator on behalf of the said Indians, and the amount which shall be awarded in any case shall be paid where the said lands belong to any tribe or body of Indians, to the said Chief Officer, for the use of such tribe or body.

Case of lands belonging to Indians provided for.

XIII. And be it enacted, that the Arbitrators so appointed shall fix a convenient day for hearing the respective parties, and shall give eight days' notice at least of the day and place, and having heard the parties or otherwise examined into the merits of the matters so brought before them, the said Arbitrators, or a majority of them, shall make their award or arbitrament thereupon in writing, which award or arbitrament shall be final as to the amount so in dispute as aforesaid.

Meetings and proceedings of the arbitrators.

Election of President and appointment of Officers.

XIV. And be it enacted, That it shall be lawful for the Directors of any such Company to elect one of their number to be the President, and to nominate and appoint such and so many officers and servants as they shall deem necessary for performing the duties required of them by the said Company, and in their discretion to take security from them or any of them for the due performance of his or their duty, and that he or they shall duly account for all moneys coming into his or their hands to the use of any such Company.

Tolls, how to be fixed paid and levied.

XV. And be it enacted, That it shall and may be lawful for the President and Directors of any such Company from time to time to fix, regulate and receive the tolls and charges to be received from all persons passing and re-passing with horses, carts, carriages, and other vehicles and for cattle driven upon, over and along any road or from all persons, passing over any bridge with or without any such carriages or animals as aforesaid, or using any work constructed made and used by such Company under and by virtue of the provisions of this Act: Provided always, that so soon as two or more miles of any such road shall have been completed tolls may be taken therefor, but on no other work shall tolls be taken until the same shall be completed.

Proviso: when tolls may be taken.

Rate of tolls limited on Roads.

XVI. And be it enacted, That the amount of tolls hereby authorized to be levied at any gate by any such Company, to be formed and incorporated under the provisions of this Act, upon any road constructed by such Company, shall not for each time of passing, whether loaded or otherwise, exceed an aggregate sum calculated at the rate of one penny half-penny per mile, from the gate required to be passed to the last gate in the direction whence any person may have come, for any vehicle drawn by two horses or other cattle; and for any vehicle drawn by more than two cattle, one half-penny per mile for every additional one; for every vehicle drawn by one horse, one penny per mile; for every score of sheep or swine and for every score of neat cattle, one half-penny per mile; for every horse and rider or every led horse, one half-penny per mile.

Directors to report annually to the Municipality the amount received and expended, &c.

XVII. And be it enacted, That it shall be the duty of the Directors of every Company incorporated under this Act, to report annually, at some time during the month of January in each year, to the Municipality having jurisdiction within the locality through or along the boundary of which such road shall pass, or wherein such other work may be constructed, under the oath of the Treasurer of such Company, the cost of their work, the amount of all money expended, the amount of their capital stock, and how much paid in; the whole amount of tolls expended on such work; the amount received during the year for tolls, and from all other sources, stating each separately; the amount of dividends paid, and the amount expended for repairs, and the amount of debts due by such Company, specifying the object for which such debts respectively, were incurred; and every such Company, shall keep regular books of account, in which shall be entered a correct statement of the assets, receipts and disbursements of such Company, which shall be at all times open to the inspection and examination of any person or persons, who may for that purpose be appointed by the Municipality, having jurisdiction as aforesaid; and every such Inspector shall have the right of taking copies or extracts from the same, and of requiring and receiving from the keeper or keepers of such books, and also from the President and each of the Directors of such Company, and all the other officers and servants thereof, all such information as to such books and the affairs of such Company generally, as such Inspector or Inspectors may deem necessary for the full and satisfactory investigation into and report upon the state of the affairs of such Company, so as to enable

Company to keep regular books open to persons appointed by Municipality, &c.

such Inspector or Inspectors to ascertain whether the tolls levied upon such work are greater than this Act allows to be levied as aforesaid.

XVIII. And be it enacted, That it shall and may be lawful for the Directors of any such Company to call in and demand from the Stockholders of the said Company, respectively, all such sum or sums of money by them subscribed, at such times and in such payments or instalments as the said Directors shall deem proper, under the penalty of forfeiting the shares of stock subscribed for and all previous payments made thereon, if payment shall not be made by the Stockholders within ninety days after a personal demand, or after notice requiring such payment shall have been published for six successive weeks in the newspaper or one of the newspapers nearest the place where the Directors of the said Company shall usually meet for conducting the business of the said Company.

Directors may call in sums subscribed under penalty of forfeiture of shares subscribed for.

XIX. And be it enacted, That every such road or other such work as aforesaid, and all the materials which shall from time to time, be got or provided for constructing, building, maintaining or repairing the same, and all toll-houses, gates and other buildings constructed or acquired by and at the expense of any such Company acting under the provisions of this Act, and used for their benefit and convenience, shall be vested in such Company and their successors.

Roads, works and materials vested in Companies, and their successors.

XX. And be it enacted, That every such Company shall have full power and authority to erect such number of toll-gates or side-bars in, along or across the said roads, and upon or at any work constructed under this Act, respectively, and fix such tolls, not exceeding the rate aforesaid, to be collected at each gate or bar, as they may deem fit and expedient (which tolls may be altered from time to time as circumstances may require,) and to erect and maintain such toll-houses, toll-gates and other buildings and erections which may seem necessary and convenient for the due management of the business of every such Company respectively; Provided always, that no toll shall be exacted for merely crossing any road.

Toll-gates may be erected.

XXI. And be it enacted, That every such Company so to be incorporated as aforesaid, shall be bound and is hereby required to complete each and every road not more than five miles in length, and any other work undertaken by them, and for the completion whereof they shall have become incorporated as aforesaid, within two years from the day of their becoming incorporated under this Act, in default whereof they shall forfeit all the corporate and other powers and authority which they shall in the mean time have acquired, and all their corporate powers shall thenceforth cease and determine, unless further time be granted by a By-law of the Municipality having jurisdiction as aforesaid.

Proviso.

Roads, &c., to be completed by Companies within a certain time after becoming incorporated.

Penalty for default.

XXII. And be it enacted, That if any person or persons shall in any way injure, cut, break down or destroy any part of any such road, bridge or other such work as aforesaid, or any toll-gate or toll-house, building or other erection in, upon or near any such road or work, and belonging to or used for the convenience of any such Company under the provisions of this Act, every such person so offending, and being lawfully convicted thereof, shall be deemed guilty of a misdemeanor, and shall be punished by fine and imprisonment; and if any person or persons shall remove any earth, stone, plank, timber or other materials used or intended to be used in or upon the said road, for the construction, maintenance or repair thereof, or shall drive any loaded wheel carriage or other loaded vehicle upon that part of any of the roads constructed under the authority of this Act, or by any Incorporated Company under the authority of any other Act of the Legislature of this Province, between the stones, plank or hard road and the ditch, further than may be neces-

Penalty on persons injuring roads, or other works of any Company

easy in passing any other vehicle or in turning off or upon such road, or shall cause any injury or damage to be done to the posts, rails or fences, or shall haul or draw, or cause to be hauled or drawn upon any part of the roads constructed as aforesaid, any timber, stone, or other thing which shall be carried principally or in part upon wheeled carriages or sleighs, so as to drag or trail upon such road to the prejudice thereof, or if any person shall leave any wagon, cart, or other carriage whatever, upon such road without some proper person in the sole custody or care thereof, longer than may be necessary to load or unload the same, except in case of accident, and in cases of accident for any longer time than may be necessary to remove the same, or shall lay any timber, stones, rubbish or other thing whatever upon such road, to the prejudice, interruption and danger of any person travelling thereon, or if any person shall, after having blocked or stopped any cart, wagon, or other carriage in going up a hill or rising ground, cause or suffer to lie and remain on such road, any stone or other thing with which such cart or carriage shall have been blocked or stopped, or if any person shall pull down, damage, injure or destroy any lamp or lamp posts put up, erected or placed in or near the side of such road or toll-houses, erected thereon, or shall wilfully extinguish the light of any such lamp, or if any person shall wilfully pull down, break, injure or damage any table of tolls, put up or fixed at any toll-gate or bar on any part of such road, or shall wilfully or designedly deface or obliterate any of the letters, figures or marks thereon, or on any finger post, or any mile post or stone; or if any persons shall throw any earth, rubbish or other matter or thing into any drain, ditch, culvert or other water-course made for draining any such road, or if any person shall without permission, carry away any stones, gravel, sand or other materials, dirt or soil from any part of any such road, or dig any holes or ditches on the allowance for the same, or shall forcibly pass or attempt to pass by force any of the toll-gates set up by any such Company, or to use the work constructed by the Company without having first paid the toll fixed by the Directors of such Company to be received at any such gate, such person shall, upon conviction thereof in a summary way before any Justice of the Peace in or near the place where the injury shall have been done, be sentenced to pay all damages sustained by such Company, to be ascertained by the said Justice upon the hearing of the said complaint, and also to pay a fine of not more than fifty shillings nor less than five shillings; such damages and fine to be paid within a time to be limited by the said Justice, and in default thereof the same shall be levied as next hereinafter is provided.

Penalty on persons injuring roads, &c.

How enforced.

Offender to pay all damages as well as the penalty.

Fine to be payable either in money or labor.

Fines, how levied.

XXIII. And be it enacted, That the fines and forfeitures authorized to be summarily imposed by this Act shall and may be levied and collected by distress and sale of the offender's goods and chattels, under the authority of any Warrant or Warrants of Distress for that purpose to be issued by the Justice before whom the conviction shall have been had; and in case there shall be no goods or chattels to satisfy such Warrant or Warrants, such offender or offenders shall and may be committed to the Common Gaol of the District for any period not exceeding one month.

Imprisonment for want of distress.

Penalty on persons turning out of road to evade toll.

XXIV. And be it enacted, That if any person or persons shall, after proceeding on any such road with any wagon, carriage or other vehicle, or animal liable to pay toll, turn out of the said road into any other road, and shall enter the said road beyond any of the said gate or gates without paying toll, whereby such payment shall be evaded, such person or persons shall for every such offence forfeit and pay the sum of ten shillings, which said sum shall be expended on the said road or towards

the discharge of any debts due by the Company; and any one Justice of the Peace for the District in which such part of the said road is situate, shall, on conviction of such offender, fine such offender in the said penalty, and shall cause the same to be levied as aforesaid.

How enforced.

XXV. And be it enacted, That if any person or persons occupying or possessing any enclosed lands near any toll-house or toll-gates, which shall be erected in pursuance of this Act, shall knowingly permit or suffer any person or persons to pass through such lands, or through any gate, passage or way thereon, with any carriage, horse, mare, gelding or other animal liable to the payment of toll, whereby such payment shall be avoided, every person or persons so offending, and also the person riding or driving the animal or animals or carriage whereon such payment is avoided, being thereof convicted, before any one Justice as aforesaid, shall for every such offence, severally incur a penalty not exceeding twenty shillings, which shall be laid out in improving such road.

Penalty on persons assisting others to evade tolls.

XXVI. And be it enacted, That it shall be lawful for any Municipal Body Corporate, having jurisdiction within the locality through or along the boundary of which any such road shall pass, or in which any such work as aforesaid is to be constructed, to subscribe for, acquire, accept and hold, and to depart with and transfer Stock in any Company to be formed under the authority of this Act, or by any Company heretofore chartered by Act of the Legislature for a like purpose, and from time to time to direct the Mayor, Warden or other Chief Officer thereof, on behalf of such Municipality, to subscribe for such Stock in the name of such Municipality, and to act for and on behalf of such Municipality in all matters relative to such Stock and the exercise of the rights of such Municipality as a Stockholder, and the Mayor, Warden or other Chief Officer shall, whether otherwise qualified or not, be deemed a Stockholder in the Company, and may vote and act as such, subject always to such rules and orders in relation to his authority as shall be made in that behalf by such Municipality by their By-laws or otherwise, but acting according to his discretion in cases not provided for by such Municipality; and it shall be lawful for such Municipality to pay for, or to pay all instalments upon the Stock they shall subscribe for and acquire, out of any moneys belonging to such Municipality and not specially appropriated to any other purpose, and to apply the moneys arising from the dividends or profits on the said Stock or from the sale thereof, to any purpose to which unappropriated moneys belonging to such Municipality may lawfully be applied.

Municipalities may acquire stock in Companies formed under this Act.

Who shall vote, &c., on such stock.

As to payment of such subscription, &c.

XXVII. And be it enacted, That it shall also be lawful for the Municipality of any locality through or along the boundary of which any such road shall pass, or within which any such work as aforesaid shall be constructed, to loan money to the Company authorized to make such road or construct such work, or to any Company heretofore chartered by Act of the Legislature for a like purpose, and out of any moneys belonging to the Municipality and not appropriated to any other purpose, and to effect such loan upon such terms and conditions as may be agreed upon between such Company and the Municipality making such loan, and to recover the money so loaned, and to appropriate the money so recovered to the purposes of such Municipality.

Municipal bodies may lend money to such Companies.

Recovery thereof.

XXVIII. And be it enacted, That after twenty-one years from the time of completing any such road or other work as aforesaid, it shall and may be lawful for any Municipal authority representing the interests of the locality through or along the boundary of which any such road shall pass, or in which the work shall be situate, to purchase the stock of such Company at the current value thereof at the time of purchase,

Twenty-one years after the roads, &c., are completed, all the Stock may be purchased by the Municipality.

Value how
ascertained.

(to be ascertained by Arbitrators to be appointed and to act in the manner hereinbefore provided in other cases, if the Company and the Municipality cannot agree upon such value,) and to hold the same for the use and benefit of the said locality, and such Municipal authority shall thenceforth stand in the place and stead of the said Company, and shall possess all such powers and authority as the said Company shall have theretofore possessed and exercised.

What it shall be
necessary to aver
in actions for
sums subscribed
for.

XXIX. And be it enacted, That in any action or suit to be brought by any such Company against any Stockholder, to recover any money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the Company to aver that the Defendant is the holder of one share or more (stating the number of shares) in the stock of the Company, and that he is indebted to the Company in the sum of money to which the calls in arrear shall amount in respect of one call or more upon one share or more (stating the number and amount of each of such calls) whereby an action hath accrued to the Company by virtue of this Act.

What it shall
be necessary to
prove in such
actions.

XXX. And be it enacted, That on the trial or hearing of any such action, it shall be sufficient for the Company to prove that the Defendant at the time of making such call was a holder of one share or more in the undertaking (and when there has been no transfer of the shares, then the proof of subscription to the original agreement to take stock shall be sufficient evidence of holding stock to the amount subscribed,) and that such call was in fact made, and such notice thereof given as is required, and it shall not be necessary for the Company to prove the appointment of the Directors who made such call or any other matter whatever, and thereupon the Company shall be entitled to recover what shall be due upon such call, with interest thereon, unless it shall appear that due notice of such call was not given.

Stockholders
may be witnesses.

XXXI. And be it enacted, That in any action or suit brought by or against any such Company upon any contract or for any matter or thing whatsoever, any Stockholder or any Officer or Servant of the Company shall be competent as a witness, and his testimony shall not be deemed inadmissible on the ground of interest or of his being such Servant or Officer.

Limitation of
suits for things
done under this
Act.

XXXII. And be it enacted, That if any action or suit shall be brought against any person or persons for any matter or thing done in pursuance of this Act, such action or suit shall be brought within six calendar months next after the fact committed, and not afterwards, and the defendant or defendants in such action or suit may plead the general issue only, and give this Act and the special matter in evidence on the trial.

Exemptions
from toll.

XXXIII. And be it enacted, That all persons, horses or carriages going to or attending or returning from any funeral, or any person with horse or carriage going to or returning from Divine Service on the Lord's Day, shall pass the gates on any road made or improved under the authority of this Act, free of toll.

What rate of
toll may be
demanded on
roads intersected
by roads made
under this Act.

XXXIV. And be it enacted, That whenever any road to be constructed under the authority of this Act, or a road already constructed under the authority of any Act of the Legislature of the Province, shall intersect a road constructed by another Chartered Company, no higher rate of toll shall be demanded from the persons travelling along the said last mentioned road, for the distance travelled between such intersection and either of its termini than the rate per mile charged by the said Company for travelling along the entire length of their road so intersected.

XXXV. And be it enacted, That after any road, bridge or other such work as aforesaid, constructed by any Company under the authority of this Act, shall have been completed, and tolls been taken thereon, it shall be the duty of the said Company to keep the same in good and sufficient repair, and in case any such road, bridge or work shall, by any such Company, be allowed to fall into decay and get out of repair, such Company may be indicted at any Court of General Sessions of the Peace or other Court of Superior Jurisdiction within or along the boundary of any District where such road, bridge or work shall be so out of repair as aforesaid, and upon being convicted, the Court before whom such prosecution shall be had, shall direct such Company to make the necessary repairs, for the want whereof such prosecution shall have been commenced, within such time as to such Court shall seem reasonable, and that in default thereof, such Company shall be declared to be dissolved, and such road, bridge or work shall thenceforth be vested in Her Majesty, Her Heirs and Successors, to and for the use of the public, in like manner as any public and common highway or public work, and shall thenceforth be subject to all the laws affecting public highways and public works, and the powers of such Corporation shall thenceforth vest in the Municipality having jurisdiction as aforesaid, which shall thereupon take on itself the order and management of the said road as the said Company had theretofore done.

Companies to keep roads in sufficient repair.

Indictment for default.

Dissolution for default to repair

XXXVI. And be it enacted, That notwithstanding the privileges that may be conferred by this Act, the Legislature may at any time hereafter in their discretion make such additions to this Act, or such alterations of any of its provisions as they may think proper, for affording just protection to the public or to any person or persons, body corporate or politic, in respect to their estate, property or right or interest therein, or any advantage, privilege or convenience connected therewith, or in respect to any way or right of way, public or private, that may be affected by any of the powers, given to any such Corporation.

Reservation of the right of the Legislature to amend or alter this Act.

SCHEDULE.

Schedule.

Be it remembered, that on this _____ day of _____ in the year of Our Lord, one thousand eight hundred and _____, We, the undersigned Stockholders, met at _____, in the County of _____, in the Province of Canada, and resolved to form ourselves into a Company, to be called *(here insert the Corporate name intended to be taken by the Company)*, according to the provisions of a certain Act of the Parliament of this Province, intituled, *An, Act &c., (insert the title of this Act)*, for the purpose of constructing a Plank Road (or Macadamized or Gravelled Road, or both, as the case may be,) from *(the commencement of the intended Road)* to *(the termination thereof)*, or a Bridge, Slide, Wharf, Pier or other such work as aforesaid, describing the nature, extent and situation thereof,) and we do hereby declare that the Capital Stock of the said Company shall be _____ pounds, to be divided into _____ shares, at the price or sum of five pounds each: and we, the undersigned Stockholders, do hereby agree to take and accept the number of shares set by us opposite to our respective signatures, and we do hereby agree to pay the calls thereon, according to the provisions of the said in part recited Act, and of the Rules, Regulations,

Resolutions and By-laws of the said Company, to be made or passed in that behalf; and we do hereby nominate (*the names to be here inserted*) to be the first Directors of the said Company.

NAME.	No. of SHARES.	AMOUNT.

MUNICIPAL ACTS, &c., REPEALED.

An Act to repeal the Acts in force in Upper-Canada, relative to the Establishment of Local and Municipal Authorities, and other matters of a like nature.

[30th May, 1849.]

Preamble.

WHEREAS it is expedient to repeal the several Acts in force in Upper-Canada, relating to the Incorporation of the Inhabitants of the several Districts of that part of this Province, and of certain other localities therein, the Election and duties of Township Officers, and other matters of a like nature, to the end that better provision may be made for such purposes: Be it therefore enacted, &c., That the several Acts of the Parliament of the late Province of Upper-Canada, and those of the Parliament of this Province set forth in the Schedule to this Act annexed marked A, and containing a description of the Acts and parts of Acts repealed by this Act, so far as the same shall be in force at the commencement of this Act, and all Acts continuing or making permanent any of the said Acts, or continued or made permanent by any of them, shall be, and the same are hereby repealed: Provided always, nevertheless, Firstly: That no Act or part of an Act repealed by any of the Acts hereby repealed, shall be revived by the passing of this Act, and no Act, or part of an Act, perpetuated or continued by any of the Acts hereby repealed, (except such as are herein expressly repealed), shall be repealed by the passing of this Act; And provided always, Secondly: That notwithstanding the repeal of the Acts and parts of Acts hereby repealed, all acts which might have been done, and all proceedings which might have been taken or prosecuted relating to any offences or neglects which may have been committed, or to any matters which shall have happened, or to any moneys which shall have become due, or to any fines or penalties which shall have been incurred before

The Acts and parts of Acts mentioned in the Schedule repealed with Acts continuing them or continued by them.

Proviso: Acts not to be revived or repealed, &c., by the passing of this Act, by implication.

Proviso as to proceedings relative to offences and other matters occurring before this Act shall be in force, under the Acts repealed.

the day on which this Act shall come into operation, shall and may still be done or prosecuted, and the offences and omissions may be dealt with and punished, and the moneys may be recovered and dealt with, and the fines and penalties may be imposed and applied as if the Acts, and parts of Acts, hereby repealed, continued in force, except only so far as the new Municipal Corporations to be created by and under the provisions of the Act of the present Session of Parliament to provide for the Incorporation of Townships, Counties, Villages, Towns and Cities in Upper-Canada, shall or may be substituted for the old ones.

Exception.

II. And in order that no doubt shall remain whether any or what part of any former Acts relating to the Incorporation of the Inhabitants of the several Districts of that part of this Province, and of the other localities therein, or the Election and duties of Township Officers, continue in force: Be it enacted, That all Acts and parts of Acts relating to the same, shall be, and the same are hereby repealed, so far as such Acts or parts of Acts shall be in force at the commencement of this Act, save and except such Acts or parts of Acts as are mentioned in the Schedule to this Act annexed, marked B, and save and except all other Acts made expressly for other purposes, although they incidentally touch on matters relating to such subjects, or although the provisions thereof are to be carried into effect by Officers elected or appointed under such Acts or parts of Acts, nevertheless, such matters and provisions last mentioned, so far as they are repugnant to, or inconsistent with the Act or Acts relating to such matters in force at the time, shall be, in all respects, controlled by such last mentioned Act or Acts, unless the contrary shall have been expressed in such last mentioned Act or Acts.

Recital.

All Acts and parts of Acts relating to certain subjects—except those saved in Schedule B—repealed.

Further exception.

III. And whereas certain Acts mentioned and set forth in the Schedules hereto annexed, to be hereby repealed either in the whole or in part, contain certain special provisions respecting assessments upon property in the Cities, Towns and Villages to which they respectively refer; and whereas such Acts or parts of Acts are not in the said Schedules excepted out of the repeal hereby intended under the expectation that a general Act will be passed during the present Session of Parliament for establishing a more just general system of assessment in Upper-Canada than that now in force therein, and it is therefore expedient to provide that in case such Act should not be so passed, the said provisions shall remain in force: Be it therefore enacted, That until such Act for a more just general system of assessment in Upper-Canada shall be passed, or other Legislative provision be made in that behalf, so much of the several Acts mentioned in the Schedules to this Act annexed as established provide for, or regulate the assessment or mode of assessment, or the property to be assessed in any of such Cities or the liberties thereof, or in any of such Towns or Villages, or any matter relating to the same, shall continue in force as if such Acts or parts of Acts had in the said Schedules been specially excepted from repeal; and all such Acts and parts of Acts shall extend and apply to every such City and the liberties thereof, and to every such Town and Village respectively, according to the extended or altered limits thereof as established by an Act of the present Session of Parliament, intituled, *An Act to provide by one general Law for the erection of Municipal Corporations, and the establishment of regulations of Police in and for the several Counties, Cities, Towns, Townships and Villages in Upper-Canada.*

Recital.

Provisions relative to assessments saved.

IV. And be it enacted, That this Act shall commence and have force and effect upon, from and after the first day of January, in the year of our Lord, one thousand eight hundred and fifty, and not before.

Commencement of this Act.

V. And be it enacted, That this Act may be amended, altered, or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c., this Session.

SCHEDULES TO WHICH THIS ACT REFERS.

SCHEDULE A,

Containing a description of the Acts and parts of Acts Repealed by this Act.

FIRST DIVISION.

Acts of the Parliament of the late Province of Upper-Canada.

NO.	DATE AND SUBJECT OF ACT.	TITLE.	EXTENT OF REPEAL.
1	37 Geo. 3, Cap. 10, Ferries.	An Act for the regulation of Ferries.	So much as vests any powers in the Magistrates in Quarter Sessions.
2	43 Geo. 3, Cap. 10, Cattle running at large.	An Act to extend the provisions of an Act passed in the thirty-fourth year of His Majesty's Reign, intituled, "An Act to restrain the custom of permitting Horned Cattle, Horses, Sheep and Swine to run at large."	
3	43 Geo. 3, Cap. 11, Assessment for Members Indemnity.	An Act the more conveniently to collect the compensation to the Members of the House of Assembly for their attendance in their duty in Parliament and to repeal part of an Act passed in the Parliament of this Province, in the thirty-third year of His Majesty's Reign, intituled, "An Act to authorize and direct the laying and collecting of Assessments and Rates within this Province, and to provide for the payment of wages to the House of Assembly."	The whole.
4	50 Geo. 3, Cap. 1, Highways.	An Act to provide for the laying out, amending and keeping in repair, the Public Highways and Roads in this Province, and to repeal the Laws now in force for that purpose.	The whole.
5	50 Geo. 3, Cap. 12, Haldimand Town Meetings.	An Act to authorize the Inhabitants of the County of Haldimand, to hold annual meetings for the purpose of electing Town and Parish Officers.	Sections one to eleven, inclusive, and Sections thirteen to thirty-four, inclusive.
6	52 Geo. 3, Cap. 10, Highways.	An Act to amend an Act passed in the fiftieth year of His Majesty's Reign, intituled, "An Act to provide for laying out, amending and keeping in repair the Public Highways and Roads in this Province, and to repeal the Laws now in force for that purpose."	The whole.
7	54 Geo. 3, Cap. 15, York Market.	An Act to empower the Commissioners of the Peace for the Home District, in their Court of General Quarter Sessions assembled, to establish and regulate a Market in and for the Town of York, in the said District.	The whole.
8	57 Geo. 3, Cap. 2, York, Amherstburgh and Sandwich.	An Act to establish a Police in the Towns of York, Sandwich and Amherstburgh.	The whole.
9	57 Geo. 3, Cap. 4, Niagara Market.	An Act to establish a Market in the Town of Niagara, in the Niagara District.	The whole.
10	59 G. 3, Ses. 2, Cap. 5, Niagara.	An Act for establishing a Police in the Town of Niagara, in the District of Niagara, and for other purposes therein mentioned.	The whole.
11	59 G. 3, Ses. 2, Cap. 11, Niagara Market.	An Act to amend and repeal part of an Act passed in the fifty-seventh year of His Majesty's Reign, intituled, "An Act to establish a Market in the Town of Niagara, in the Niagara District."	The whole.
12	2 G. 4, Ses. 2, Cap. 11, Cattle running at large.	An Act to repeal in part a certain part of an Act passed in the forty-third year of His late Majesty's Reign, intituled, "An Act to extend the provisions of an Act passed in the thirty-fourth year of His Majesty's Reign, intituled, 'An Act to restrain the custom of permitting Horned Cattle, Horses, Sheep and Swine, to run at large,'" and further to enable the Magistrates in their respective Districts in this Province, in General Quarter Sessions assembled, to make such rules and regulations as may restrain Swine, running at large in the respective Towns in this Province, where a Police is or may hereafter be established by Law.	The whole.

NO.	DATE AND SUBJECT OF ACT.	TITLE.	EXTENT OF REPEAL.
13	3 G. 4, Ses. 3, Cap. 13, Police Moneys.	An Act requiring the publication of the expenditure of moneys raised under any law, establishing a Police in any Town or Towns in this Province.	The whole.
14	3 G. 4, Ses. 3, Cap. 15, Perth Market.	An Act to establish a Market in the Town of Perth, in the County of Carleton.	The whole.
15	4 G. 4, Ses. 1, Cap. 34, Niagara Police, &c.	An Act to continue and amend an Act passed in the fifty-ninth year of His late Majesty's Reign, intituled, "An Act for establishing a Police in the Town of Niagara, in the District of Niagara, and for other purposes therein mentioned."	The whole.
16	8 Geo. 4, Cap. 14, Street Surveyors.	An Act to amend the Laws now in force for the appointment of Street Surveyors, so far as relates to the several Towns in this Province other than those in which the General Quarter Sessions of the Peace are by law holden.	The whole.
17	1 William 4, Cap. 3, Amherstburgh Wharfage Fees.	An Act to establish a Market and to establish Wharfage Fees in the Town of Amherstburgh, in the Western District.	The whole.
18	2 William 4, Cap. 17, Brockville.	An Act to establish a Police in the Town of Brockville, in the District of Johnstown.	The whole.
19	3 William 4, Cap. 16, Hamilton.	An Act to define the limits of the Town of Hamilton, in the District of Gore, and to establish a Police and Public Market therein.	The whole.
20	3 William 4, Cap. 40, Brockville Market.	An Act to establish a Market in the Town of Brockville.	The whole.
21	4 William 4, Cap. 12, Line Fences, &c.	An Act to regulate Line Fences and Water Courses, and to repeal so much of an Act passed in the thirty-third year of the Reign of His late Majesty King George the Third, intituled, "An Act to provide for the nomination and appointment of Parish and Town Officers within this Province," as relates to the Office of Fence Viewers, being discharged by Overseers of Highways and Roads.	The First Section.*
22	4 William 4, Cap. 23, Toronto.	An Act to extend the limits of the Town of York, to erect the said Town into a City, and to incorporate it under the name of the City of Toronto.	Sections one to ninety-five, inclusive, and also the whole of Section ninety-six, except the proviso.
23	4 William 4, Cap. 24, Belleville.	An Act to establish a Board of Police in the Town of Belleville.	The whole.
24	4 William 4, Cap. 25, Cornwall.	An Act to establish a Police in the Town of Cornwall, in the Eastern District.	The whole.
25	4 William 4, Cap. 26, Port Hope.	An Act to define the limits of the Town of Port Hope, and to establish a Police therein.	The whole.
26	4 William 4, Cap. 27, Prescott.	An Act to incorporate the Village of Prescott, and to establish an Elective Police therein.	The whole.
27	5 William 4, Cap. 6, Assessment for Members' Indemnity.	An Act to provide for the payment of wages to the Members of the House of Assembly who represent the different Towns in this Province.	The whole.
28	6 William 4, Cap. 1, Assessment Members' Indemnity.	An Act to provide for the payment of wages to Members representing Cities and Incorporated Towns within the Province.	The whole.
29	6 William 4, Cap. 13, Brockville Market.	An Act to establish a Market in the West Ward of the Town of Brockville.	The whole.
30	6 William 4, Cap. 14, Belleville.	An Act to repeal an Act passed in the fourth year of His present Majesty's Reign, intituled, "An Act to establish a Board of Police in the Town of Belleville," and to make further provisions for the establishment of a Police in said Town.	The whole.

* Error.—The Act 4, Wm. 4, Cap. 12, Repealed by 8 Vic. Cap. 20, Sec. 19.

NO.	DATE AND SUBJECT OF ACT.	TITLE.	EXTENT OF REPEAL.
31	7 William 4, Cap. 24, House of Industry.	An Act to authorize the erection, and provide for the maintenance of Houses of Industry in the several Districts of this Province.	So much of the first Section as vests any powers granted thereby in the Grand Juries or the Magistrates in Quarter Sessions, or limits the expenditure, and the whole of the second Section.
32	7 William 4, Cap. 39, Toronto.	An Act to alter and amend an Act passed in the fourth year of His Majesty's Reign, intituled, "An Act to extend the limits of the Town of York, to erect the said Town into a City, and to incorporate it under the name of the City of Toronto."	The whole.
33	7 William 4, Cap. 41, Toronto Markets.	An Act to establish two additional Markets in the City of Toronto.	The whole.
34	7 William 4, Cap. 42, Cobourg.	An Act to establish a Police in the Town of Cobourg, and to define the limits of the said Town.	The whole.
35	7 William 4, Cap. 44, Picton.	An Act to incorporate the Villages of Hallowell and Picton, by the name of the Town of Picton, and establish a Police therein.	The whole.
36	1 Vict. Cap. 17, Assessment, Members' Indemnity.	An Act to alter the mode of payment of wages to Members of the House of Assembly.	The whole.
37	1 Vict. Cap. 21, Township Officers.	An Act to alter and amend sundry Acts regulating the appointment and duties of Township Officers.	Sections one to thirty-one, inclusive, and thirty-six to fifty-one, inclusive.
38	1 Vict. Cap. 27, Kingston.	An Act to incorporate the Town of Kingston, under the name of the "The Mayor and Common Council of the Town of Kingston."	The whole.
39	2 Vict. Cap. 36, Kingston.	An Act to render valid the late Elections for Aldermen and Councilmen for the Town of Kingston.	Sections two, three and four.
40	2 Vict. Cap. 37, Kingston.	An Act to amend an Act passed in the first year of Her Majesty's Reign, intituled, "An Act to incorporate the Town of Kingston, under the name of the Mayor and Common Council of the Town of Kingston."	The whole.
41	2 Vict. Cap. 45, Hamilton Market.	An Act to establish a Second Market in the Town of Hamilton, to enable the Corporation of the said Town to effect a loan, and for other purposes therein mentioned.	The whole.
42	2 Vict. Cap. 46, Niagara Market.	An Act to authorize the Trustees of the Market Reserve in the Town of Niagara, to raise a sum of money for certain purposes therein mentioned.	The whole, except so much of the second Section as reserves any privileges or advantages to certain Lessees and Tenants or their Assigns.
43	3 Vict. Cap. 31, London.	An Act to define the limits of the Town of London, in the District of London, and to establish a Board of Police therein.	The whole.
44	3 Vict. Cap. 47, Toronto.	An Act to continue an Act passed in the seventh year of the Reign of His late Majesty, King William the Fourth, intituled, "An Act to alter and amend an Act passed in the fourth year of His Majesty's Reign, intituled, 'An Act to extend the limits of the Town of York, to erect the said town into a City, and to incorporate it under the name of the City of Toronto.'"	The first Section.

SECOND DIVISION.

Acts of the Parliament of the Province of Canada.

NO.	DATE AND SUBJECT OF ACT.	TITLE.	EXTENT OF REPEAL.
45	4 & 5 Vict. Cap. 10, Municipalities.	An Act to provide for the better internal Government of that part of this Province which formerly constituted the Province of Upper-Canada, by the establishment of Local or Municipal Authorities therein.	The whole.

NO.	DATE AND SUBJECT OF ACT.	TITLE.	EXTENT OF REPEAL.
46	8 Vict. Cap. 7, County and Township Divisions.	An Act for better defining the limits of the Counties and Districts in Upper-Canada, for electing certain new Townships, for detaching Townships from some Counties and attaching them to others, and for other purposes relative to the division of Upper-Canada into Townships, Counties and Districts.	The whole, except Sections one two, five, seven, eight, nine, ten, eleven, thirteen and fifteen, together with the Schedules A and B.
47	8 Vict. Cap. 20, Fences and Water Courses.	An Act to repeal an Act therein mentioned, and to provide for the regulation of Line Fences and Water Courses in Upper Canada.	So much of the first Section as vests the appointment of Fence-Viewers in the Inhabitant Freeholders and Householders at their annual meetings.
48	8 Vict. Cap. 61, Kingston.	An Act to repeal a certain provision of the Act incorporating the Town of Kingston, and to provide for the Assessment and collection of the District Taxes in the said Town, by an Assessor and Collector to be appointed by the District Council.	The whole.
49	3 Vict. Cap. 62, Niagara.	An Act to incorporate the Town of Niagara, and to establish a Police therein.	The whole.
50	3 Vict. Cap. 63, St. Catharines.	An Act to incorporate the Town of Saint Catharines	The whole.
51	9 Vict. Cap. 40, Municipal Councils.	An Act to amend the Laws relative to District Councils in Upper Canada.	The whole.
52	9 Vict. Cap. 46, County and District Divisions.	An Act to amend the Act for defining the limits of Counties and Districts in Upper Canada.	The whole.
53	9 Vict. Cap. 51, Niagara and Queenston.	An Act to alter the mode of Assessment in the Towns of Niagara and Queenston.	The whole.
54	9 Vict. Cap. 70, Toronto.	An Act to amend the Act of Incorporation of the City of Toronto.	The whole.
55	9 Vict. Cap. 71, Cobourg.	An Act to alter and amend the Act of Incorporation of the Town of Cobourg.	The whole.
56	9 Vict. Cap. 72, Cornwall.	An Act to amend the Act of Incorporation of the Town of Cornwall, and to establish a Town Council therein, in lieu of a Board of Police.	The whole.
57	9 Vict. Cap. 73, Hamilton.	An Act to alter and amend the Act incorporating the Town of Hamilton, and to erect the same into a City.	The whole.
58	9 Vict. Cap. 75, Kingston.	An Act to incorporate the Town of Kingston as a City.	The whole.
59	10 & 11 Vict. Cap. 30, Western District Division.	An Act to divide the Western District of the Province of Canada, and for other purposes therein mentioned.	Sections one and two, Sections five to nine, inclusive, and Sections thirteen to twenty-one, inclusive.
60	10 & 11 Vict. Cap. 41, Lock-up Houses.	An Act to establish Lock-up Houses in the unincorporated Towns and Villages of Canada West.	Sections one, two and four.*
61	10 & 11 Vict. Cap. 42, Towns and Villages.	An Act to confer limited Corporate Powers on the Towns and Villages of Canada West, not specially incorporated.	The whole.
62	10 & 11 Vict. Cap. 43, Bytown.	An Act to define the limits of the Town of Bytown to establish a Town Council therein, and for other purposes.	The whole.
63	10 & 11 Vict. Cap. 45, Dundas.	An Act to incorporate the Town of Dundas.	The whole.
64	10 & 11 Vict. Cap. 46, Kingston.	An Act to amend the tenth Section of the Act to incorporate the Town of Kingston as a City.	The whole.
65	10 & 1 Vict. Cap. 47, Prescott.	An Act to provide for an Assessment of real and personal property in the Town of Prescott, according to the annual value on rental thereof, and for other purposes.	The whole.

*No mention of Sec. 3 here, nor in the Saving Schedule, *vide* page 113. Sec. 3 is therefore in force.

NO.	DATE AND SUBJECT OF ACT.	TITLE.	EXTENT OF REPEAL.
66	16 & 11 Vict. Cap. 46, London.	An Act to repeal the Act of Incorporation of the Town of London, and to establish a Town Council therein, in lieu of a Board of Police, and for other purposes therein mentioned.	The whole.
67	10 & 11 Vict. Cap. 49, Brantford.	An Act to incorporate the Town of Brantford.	The whole.
68	11 Vict. Cap. 12, Dundas.	An Act to amend the Act to incorporate the Town of Dundas.	The whole.

SCHEDULE B,

Containing a description of the Acts and parts of Acts saved from the operation of this Act.

FIRST DIVISION,

Acts of the Parliament of the late Province of Upper Canada.

NO.	DATE AND SUBJECT OF ACT.	TITLE.	EXTENT OF SAVING.
1	37 Geo. 3, Cap. 10, Ferries.	An Act for the regulation of Ferries.	So much as relates to the duties of persons attending or having charge of Ferries, the penalties to be incurred by them, and the infliction and recovery thereof.
2	50 Geo. 3, Cap. 1, Highways.	An Act to provide for the laying out, amending and keeping in repair the public Highways and Roads in this Province, and to repeal the Laws now in force for that purpose.	Sections twelve and thirty-five.
3	4 William 4, Cap. 12, Line Fences, &c.	An Act to regulate Line Fences and Water Courses, and to repeal so much of an Act passed in the the thirty-third year of the reign of His late Majesty King George the Third, intituled, "An Act to provide for the nomination and appointment of Parish and Town Officers within this province," as relates to the office of Fence-Viewers being discharged by Overseers of Highways and Roads.	The second and all the subsequent Sections of the Act.*
4	4 William 4, Cap. 23, Toronto.	An Act to extend the limits of the Town of York, to erect the said Town into a City, and to incorporate it under the name of the <i>City of Toronto</i> .	The proviso to the ninety-sixth section, and the whole of the ninety-seventh section.
5	7 William 4, Cap. 24, Houses of Industry.	An Act to authorize the erection, and provide for the maintenance of Houses of Industry in the several Districts of this Province.	So much of the first Section as relates to the powers and duties of Inspectors, and also Sections three, four, five and six.
6	1 Vict. Cap. 21, Township Officers.	An Act to alter and amend Sundry Acts regulating the appointment and duties of Township Officers.	Sections thirty-two, thirty-three, thirty-four and thirty-five.
7	2 Vict. Cap. 36, Kingston.	An Act to render valid the late elections for Aldermen and Councilmen for the Town of Kingston.	Section one.
8	2 Vict. Cap. 46, Niagara Market.	An Act to authorize the Trustees of the Market Reserve in the Town of Niagara to raise a sum of money for certain purposes therein mentioned.	So much of the second Section as reserves any privileges or advantages to certain Lessees and Tenants, or their assigns.
9	3 Vict. Cap. 47, Toronto.	An Act to continue an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, intituled, "An Act to alter and amend an Act passed in the fourth year of His Majesty's Reign, intituled, 'An Act to extend the limits of the Town of York, to erect the said Town into a City, and to incorporate it under the name of the <i>City of Toronto</i> .'"	Section second.

* Error.—The Act 4, Wm. 4, Cap. 12, repealed by 8 Vic., Cap. 20, Sec. 19.

SECOND DIVISION.

Acts of the Parliament of the Province of Canada.

NO.	DATE AND SUBJECT OF ACT.	TITLE.	EXTENT OF SAVING.
10	3 Vict. Cap. 7, Division of Counties, &c.	An Act for better defining the limits of the Counties and Districts in Upper-Canada, for erecting certain new Townships, for detaching Townships from some Counties and attaching them to others, and for other purposes relative to the division of Upper-Canada into Townships, Counties and Districts.	Sections one, two, five, seven, eight, nine, ten, eleven, thirteen and fifteen, together with the Schedules A. B.
11	8 Vict. Cap. 20, Line Fences.	An Act to repeal an Act therein mentioned and to provide for the regulation of Line Fences and Water Courses in Upper-Canada.	The whole, except so much of the first Section as vests the appointment of Fence-Viewers in the Inhabitant Freeholders and Householdors, at their annual meetings.
12	10 & 11 Vict. Cap. 30, Western District.	An Act to divide the Western District of the Province of Canada, and for other purposes therein mentioned,	Sections three, four, ten, eleven and twelve.
13	10 & 11 Vict. Cap. 41, Lock-up Houses.	An Act to establish Lock-up Houses in the unincorporated Towns and Villages in Canada West.	Sections five and six.

FERRIES.

UPPER CANADA ACT, 37 GEO., III, CAP. 10.

An Act for the Regulation of Ferries.

[Passed 3rd July, 1797.]

[By the Municipal Corporations Repeal Act, 12 Vict. Cap. 80, so much of this Act as vests any powers in the Magistrates in Quarter Sessions is repealed; and so much of it is continued in force as relates to the duties of persons attending or having charge of Ferries, the penalties to be incurred by them, and the infliction and recovery thereof.]
Vide as to Ferries, Municipal Corporations Act, 12 Vic., Cap. 81, Secs. 34 and 83.

WHEREAS it is necessary for the convenience of His Majesty's Subjects, that Ferries should be put under proper regulations within this Province: Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province,*" and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for His Majesty's Justices of the Peace, in and for the several Districts of this Province, in their General Quarter Sessions assembled, and they are hereby authorized and empowered, from time to time, to make and ordain such rules and regulations as to them, or to the greater part of them, may appear necessary and proper to be observed and followed at such Ferry or Ferries, by the person or persons attending the same, or having the charge thereof; and also to establish and assess such rates and fees as the person or persons attending such Ferry or Ferries shall and may demand and receive for the passage of persons, cattle, carriages or wares thereat; a list or table of which rules and regulations, rates and fees, shall be set up in some conspicuous place at every such Ferry or Ferries, for public inspection; and any person

Preamble.

Quarter Sessions to ordain rules and regulations;

And to assess the rates;

Table of regulations and fees to be posted up at the ferry;

Penalty for a Ferry-man convicted of a breach;

Penalty how to be recovered and disposed of.

attending, or having charge of a Ferry, who shall be convicted before any one Justice of the Peace, of demanding or receiving any higher or greater rate or fee than such as shall be so established, assessed and allowed, or of any breach of any such rules and regulations so made and ordained, as aforesaid, shall for every such offence forfeit and pay the sum of twenty shillings, to be recovered before any one Justice of the Peace, and levied by distress and sale of the offender's goods and chattels; one half of which penalty shall be paid to the informer or informers, and the other half to the Treasurer of the District wherein the same may arise, to be applied to the public use of the District.

HIGHWAYS.

UPPER CANADA ACT, 50 GEO. III., CAP. 1.

An Act to provide for the laying out, amending and keeping in repair, the Public Highways and Roads in this Province, and to repeal the Laws now in force for that purpose.

[Passed 12th March, 1810.]

(Repealed, excepting the two following Sections.)

What shall be deemed a common and public highway.

XII. And be it further enacted by the authority aforesaid, That all allowances for roads made by the King's Surveyors in any Town, Township or place already laid out, or which shall be made in any Town, Township or place within this Province; and also all roads laid out by virtue of any Act of the Parliament of this Province, or any roads whereon the public money hath been expended for opening said roads throughout this Province, or whereon the Statute Labour hath been usually performed, or any roads passing through the Indian Lands, shall be deemed common and public highways, unless any such roads have been already altered according to law, or until such road or roads shall be altered according to the provisions of this Act.

Soil and freehold of roads under the provisions of this Act, vested in His Majesty, His Heirs and Successors.

XXXV. And be it further enacted by the authority aforesaid, That when any highway or road shall be altered, amended or laid out, under the provisions of this Act, that the soil and freehold of such highway or road, shall be thereby vested in His Majesty, His Heirs and Successors.

HOUSES OF INDUSTRY.

UPPER CANADA ACT, 7 WM. IV., CAP. 24.

An Act to authorise the erection, and provide for the maintenance of Houses of Industry in the several Districts of this Province.

[Passed 4th March, 1837.]

[So much of the first section as vests any powers granted thereby in the Grand Jurors, or the Magistrates in Quarter Sessions, or limits the expenditure, and the whole of the second section are repealed.—*Vide* Municipal Corporations Act, 12 Vic., Cap. 81, Sec. 41, sixthly; and also same act, Sec. 187, firstly.]

Preamble.

WHEREAS it is expedient and necessary to provide a House of Industry in the several Districts of this Province, and to provide employment for the indigent and idle: Be it therefore enacted, &c., That

the Court of General Quarter Sessions of the Peace, to be holden in each District, after the presentment of three successive Grand Juries recommending the same, it shall be the duty of the Justices of the said District to procure plans and estimates for the erection of suitable buildings for the reception and employment of the poor and indigent, and of the idle and dissolute, and to procure or purchase a suitable site whereon to erect the same, and to contract for the erection thereof: Provided, the expense thereof shall not exceed the sum of one thousand pounds; and also to appoint five Inspectors, who shall have the inspection and government of the said House, with full power to appoint a Master, Mistress, and such needful assistance for the immediate care and oversight of the persons received into or employed in that House; which Inspectors, once every month, and at such other times as occasion may require, shall meet for the purpose of determining the best method of discharging the duties of their office, and at such meetings shall have full power to make such needful orders and regulations for the government of the said House, and to alter the same from time to time as they may think expedient, and all such by-laws for the ordering and regulating the said House, and the affairs thereof, as may be necessary, the same not being repugnant to the laws of the land.

II. [Repealed.]

III. And be it further enacted by the authority aforesaid, That any two of His Majesty's Justices of the Peace, or of the Inspectors appointed, as aforesaid, are hereby authorised, empowered and directed, to commit to such House, by writing under their hands and seals, to be employed and governed according to the rules, regulations and orders, of said House, any person or persons residing in the District that are by this Act declared liable to be sent thither.

After the presentment of three successive Grand Juries, Justices in Quarter Sessions to procure plans, purchase site, and erect a House of Industry;

Not to cost more than one thousand pounds.

Justices of the Peace may commit persons to the House of Industry.

Who may be sent into Houses of Industry.

IV. And be it further enacted by the authority aforesaid, That the person who shall be liable to be sent into, employed and governed, in the said House, to be erected in pursuance of this Act, are all poor and indigent persons, who are incapable of supporting themselves; all persons able of body to work and without any means of maintaining themselves, who refuse or neglect so to do; all persons living a lewd, dissolute, vagrant life, or exercising no ordinary calling, or lawful business sufficient to gain or procure an honest living; all such as spend their time and property in public houses, to the neglect of their lawful calling.

V. And be it further enacted by the authority aforesaid, That all Inspectors appointed in pursuance of this Act, shall keep an account of the charges of erecting, keeping, upholding and maintaining such House, together with an account of all materials found and furnished, together with the names of the persons received into such House, as well as of those discharged therefrom, and also of the earnings; one copy of which shall be presented to the Justices of the Peace of each District once in every year, or oftener when required by such Justices in General Quarter Sessions assembled, and one copy to each Branch of the Legislature.

Inspectors to keep accounts.

VI. And be it further enacted by the authority aforesaid, That all and every person committed to such House, if fit and able, shall be kept diligently employed in labour during his or her continuance there; and in case the person so committed or continued shall be idle, and not perform such reasonable task or labour as shall be assigned, or shall be stubborn, disobedient or disorderly, he, she or they, shall be punished according to the rules and regulations made or to be made for ruling, governing and punishing, persons there committed.

Persons sent to House of Industry to be diligently employed in labour.

TOWNSHIP OFFICERS.

UPPER CANADA ACT, 1 VIC., CAP. 21.

An Act to alter and amend sundry Acts regulating the appointment and duties of Township Officers.

[Passed 6th March, 1838.]

(Repealed, except the following Sections.)

Pound keepers to provide themselves with enclosures, and to impound all animals unlawfully running at large, and furnish them with food and drink;

(See 43 Geo. III. Ch. 10, Sec 4.)

If animals not claimed, and lawful demands not paid, they may, after legal notice, be sold;

Overplus arising from sale to be returned to owner, if claimed.

How to proceed when horses, oxen or cows, are impounded, and owners are not known;

XXXII. And be it further enacted by the authority aforesaid, That it shall be the duty of any Pound Keeper appointed under the provisions of this Act, to provide himself with sufficient yards or enclosures for the safe keeping of all such animals as it may be his duty to impound, and he is hereby authorised and required to impound all animals unlawfully running at large, trespassing and doing damage, that may be delivered to him by any persons resident within his division taking up the same; and it shall be his duty to furnish the same with necessary food and drink; and if after the space of forty-eight hours the said animals shall not be claimed and redeemed by the owner, or some one on his behalf, paying the Pound Keeper his lawful demand and charges, and the amount of damages awarded, in the manner hereinafter mentioned, to have been done by such animals, to the person taking up the same, he shall cause a notice in writing to be affixed in three public places in the Township for at least fifteen days, which notice shall give a description of such animals, and also state the time and place at which he intends to expose the same for sale; and if the owner of such animals, or some one in his or her behalf, does not within the time specified in such notice, as aforesaid, redeem the same, by paying to the said Pound Keeper his legal fees, which shall be regulated from time to time by the Town Wardens of each Township, who are hereby required to regulate the same, and furnish the copy or schedule to the Township Clerk for the information of the Pound Keepers, and charges, and the damages awarded to the person taking up such animals, the said Pound Keeper shall proceed to sell the same to the highest bidder, at the time and place mentioned in the said notice, which sale is hereby declared to be valid in law; and the said Pound Keeper shall, after deducting his own legal charges and the damages awarded to the person taking up the said animals, provided he is the party injured, return the overplus (if any there be) to the original owner: Provided always, that if no person shall appear to claim the said animals within the space of three months after public notice and sale, as aforesaid, the said Pound Keeper shall pay the overplus (if any) into the hands of the Township Clerk for the time being, to be laid out and expended for the improvement of the roads and bridges within the said Township.

XXXIII. And be it further enacted by the authority aforesaid, That if any ox or oxen, horse or horses, cow or cows, shall be impounded, as aforesaid, and not claimed before the expiration of fifteen days, as aforesaid, and the owner thereof shall not be known by the said Pound Keeper, then and in that case the Pound Keeper shall not sell such ox or oxen, horse or horses, cow or cows, at the time stated in such notice, but shall postpone the sale thereof for the space of forty days, at the expiration of which time such Pound Keeper shall proceed to sell the same, and dispose of the proceeds in the manner mentioned in the last preceding

clause of this Act: Provided always, that the owner of the same may at any time before such sale redeem such animal or animals by paying demands, as aforesaid.

Owners may redeem.

XXXVI. Provided also, and be it further enacted by the authority aforesaid, That it shall be the duty of all and every person taking any animal or animals to a Pound Keeper to be impounded, at the same time, or within twenty-four hours, to state in writing to the said Pound Keeper, all demands he may have against the owner of such animal or animals, for damages done by them; and in case the owner of such animal or animals shall tender to the Pound Keeper the full sum which shall or may be awarded as damages to the party suffering the same, with the costs then incurred, such owner shall not be liable to any costs afterwards incurred, but all such subsequent costs in such case shall be borne by the party claiming extravagant damages.

Persons taking up cattle to be impounded, must state their demands in writing;

Party claiming extravagant damages to pay costs.

XXXV. And be it further enacted by the authority aforesaid, That it shall be the duty of the Pound Keeper, and he is hereby authorised and required, when the owner of any animal impounded shall object to the amount of damages claimed, within forty-eight hours after the same have been impounded, as aforesaid, to notify three disinterested resident freeholders or householders, farmers in the said Township, to appraise the damages, and also to judge of the sufficiency of the fence enclosing the ground wherein such animals were found doing damage; and such freeholders or householders, farmers, or any two of them, shall within twenty-four hours after the receipt of such notice, view said fence, and determine whether the same is a lawful fence according to the regulations of the Township meeting on the subject, and if so appraise the damage done; and having reduced this their award to writing, shall deliver the same, signed with their names, to the Pound Keeper, within the space of twenty-four hours after having been so notified: Provided always, that if any person shall neglect or refuse to attend to examine said damage after being notified, as aforesaid, he shall be liable to a penalty of five shillings for every such neglect or refusal, to be recovered and applied in the same manner as fines imposed by this Act for refusing or neglecting to perform Statute labour: Provided always, that the owner of any animal or animals not permitted to run at large by the regulations of such Township meeting, shall be liable for any damage done by such animal or animals, notwithstanding that the fence enclosing the premises was not of the height required by the said regulations.

Three freeholders may appraise damages, and determine upon the lawfulness of fences;

(See 4 Wm. IV. Chap. 12, Sec. 5.)

Persons refusing to appraise may be fined;

Persons liable for damage, if cattle unlawfully allowed to run at large.

TORONTO CITY.

UPPER CANADA ACT, 4 WM. IV., CAP. 23.

An Act to extend the limits of the Town of York; to erect the said Town into a City; and to incorporate it under the name of the City of Toronto.

[Passed 6th March, 1834.]

(Repealed, excepting the following.)

XCVI. Provided always, that no person shall have a right to vote for a member to represent the County of York, or any Riding thereof, in respect to any property situate within the limits of the City of Toronto or the Liberties thereof.

No person to vote for the County, or any Riding, in respect to property within the City or Liberties.

The City of Toronto to be understood wherever the name of York occurs in any Act of Parliament, deed, &c.

Governor may change the name of any place heretofore called Toronto.

XCVII. And be it further enacted by the authority aforesaid, That whenever in any Act of Parliament, proclamation, letters patent, record, writ, or other legal proceeding, deed, will, instrument, or writing of any kind or description, the name of "York" is or shall be used, with intention to apply it to the place commonly called the Town of York, in this Province, or to any part of the Township of York, included by this Act within the said City or the Liberties thereof, the City of Toronto or the Liberties thereof shall, according to the locality, be taken to have been meant and intended, and the name Toronto shall, to all intents and for all purposes, stand in the contemplation of law in the stead and place of York, whenever the name of York is applied to any place within the said City of Toronto or the Liberties thereof, and shall be so understood and applied by all Courts, Judges and Justices, and by all persons concerned in any public act or duty; and that it shall be lawful for the Governor, Lieutenant-Governor, or Person Administering the Government of this Province, to give to any Village, Town, Township or place in this Province, now bearing the name of Toronto, such other name or names as to him may seem fit; and from the time of such name or names being changed, by official notification in the Upper Canada Gazette, all and every the provisions in this clause contained for carrying the change of name into effect, with respect to the City and Liberties of Toronto, shall in like manner to apply to and be in force in respect to such other place or places of which the name may be changed, according to the nature of the case.

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UPPER CANADA ACT, 3 VIC. CAP. 47.  
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An Act to continue an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, intituled, "An Act to alter and amend an Act passed in the fourth year of His Majesty's reign, intituled, 'An Act to extend the Limits of the Town of York, to erect the said Town into a City, and to incorporate it under the name of the City of Toronto.'"

[Passed 10th February, 1840.]

[I. Repealed.]

II. And be it further enacted by the authority aforesaid, That Her Majesty's Executive Councillors in and for this Province, being Justices of the Peace in and for the Home District, shall and may exercise jurisdiction over offences committed within the said City of Toronto as such Justices, any thing in the said Act, intituled, "*An Act to extend the limits of the Town of York, to erect the said Town into a City, and to incorporate it under the name of the City of Toronto,*" to the contrary thereof notwithstanding.

[See 7, Wm. 4, Cap. 39; 4, Wm. 4, Cap. 23.]

Executive Councillors to have jurisdiction as Justices of the Peace in the City of Toronto.

NIAGARA MARKET.

UPPER CANADA ACT, 2 VIC., CAP. 46.

An Act to authorise the Trustees of the Market Reserve in the Town of Niagara, to raise a sum of money for certain purposes therein mentioned.

[Passed 11th May, 1839.]

[Repealed, with the exception of so much of the second section as reserves any privileges or advantages to certain Lessees and Tenants, or their Assigns.]

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Robert Dickson, John Claus, and Lewis Clement, and their successors in office of the trust, and they are hereby authorised and empowered to mortgage or place in security the said lots number sixty-five and sixty-six, to any person willing to lend the said sum of fifteen hundred pounds, on such terms as may be mutually agreed upon, for the purpose of securing the re-payment thereof with interest, such interest not to exceed six per centum per annum; saving and excepting nevertheless, to all and every lessee, tenant, or their assignees, now entitled to the occupation or interest of or in any lot heretofore leased, all those privileges and advantages vested in them, or which they or their assignees may be entitled to under and by virtue of any original lease heretofore at any time granted.

Market reservation may be mortgaged to secure the money borrowed under this Act.

MILITIA COMMUTATION MONEY.

ACT 4 & 5 VIC., CAP. 2.

An Act to Amend the Militia Laws of that part of this Province formerly constituting the Province of Upper Canada.

[Passed 17th August, 1841.]

[Revised by 12 Vic. Cap. 88.]

WHEREAS great inconvenience has been experienced in collecting fines from Aliens; And whereas apprehension exists among a numerous and deserving class of Her Majesty's Subjects in this Province, having certain conscientious scruples, that they are subject to excessive fines: Be it therefore enacted, &c., That the fifty second and fifty third sections of the Act of the Legislature of the late Province of Upper Canada, passed in the second year of Her Majesty's Reign, chapter nine, and intituled *An Act to repeal, alter and amend the Militia Laws of this Province*, be and the same are hereby repealed.

II. And be it enacted, that the persons called Quakers, Mennonists, or Tunkers, shall not be compelled to serve in the Militia within that portion of this Province, which formerly constituted the Province of Upper Canada; but every person who shall profess to be one of the people called Quakers, Mennonists, or Tunkers, and shall if required produce a certificate thereof, signed by the Clerk, Pastor, Minister or Elder of the Meeting or Society to which he shall belong, shall be excused and

Preamble.

The 52nd and 53rd sections of the Provincial Act of Upper Canada, 2d Vic. c. 2, repealed.

Quakers, Mennonists and Tunkers not to be liable to serve in the Militia in that part of the Province formerly called Upper Canada.

But such persons shall pay a certain annual sum of money in lieu of so serving.

The sum to be so paid.

Assessors to enter the names of all such persons on the Assessment rolls, and the sum each person is liable to pay.

Collection of such sums.

Application of such sums.

Duty of Path Masters applying such sums ;

And in accounting for the same.

Penalty on Path Masters neglecting so to account.

Prosecution pending against Quakers, Menonists, or Tunkers, for penalties imposed by the Act first cited, to be discontinued.

exempted from serving in the said Militia, in the said portion of this Province : Provided nevertheless, that every such person, from the age of sixteen to sixty, so claiming to be excused or exempted, shall on or before the first day of February, in each and every year after the passing of this Act, give in his name and place of residence to the Assessor or Assessors of the Town, Township or Place where he shall reside, and shall pay in each and every year in time of peace, the sum of ten shillings, and in time of actual invasion or insurrection, or when any of the Militia of the District in which such person shall reside shall be called out on actual service, the sum of five pounds ; which commutation money shall be in lieu and discharge of such Militia service, and shall be applied as hereinafter provided.

III. And be it enacted, that it shall be the duty of the Assessor or Assessors in each Township within the said portion of this Province, and they are hereby required to annex a column to each and every Assessment roll of each and every Town, Township or Place in his or their respective District, and therein to insert the names of every such Quaker, Menonist or Tunker, and also affix the sum of money so to be paid opposite thereunto, which sums of money it shall be the duty of each and every Collector in each and every Town, Township or Place within this Province, to collect, in the same manner as he is authorized by Law to collect any ordinary Assessment ; and such Collector shall pay the same into the hands of the Town Clerk, to be expended within the Township where the same shall have been levied, in aid of any road tax or Assessment raised or levied therein. And the Assessor or Assessors shall transmit a list of the names of all such Quakers, Menonists or Tunkers by him or them inserted in the Assessment roll, to the Colonel of Militia for the division in which such persons shall respectively reside, within thirty days after such Assessment Roll shall have been completed.

IV. And be it enacted, that it shall be lawful to and for the said Town Clerk of such Town, Township or Place, and he is hereby required to pay out the said monies from time to time, to the order of the Road or Path Master of the division wherein such fine shall have been levied, and to be expended on the public Roads, Highways and Bridges within such division.

V. And be it enacted, that it shall be the duty of the Path Masters in every Township or Place, and they are hereby required to apply such sum or sums of money from time to time, to the improvement of the Highways, Roads and Bridges, within such Township or Place, after the manner and form, and upon such place or places, as they shall be according to law directed, and to render an account thereof upon oath or affirmation, as the case may be, to the Clerk of such Town, Township or Place, whose duty it shall be to report the same to the Magistrates in General Quarter Sessions assembled ; and if any such Path Master, or Town Clerk, shall fail to render such account, or to pay over and distribute such monies as may come into his hands as aforesaid, he shall for such default be subject to a penalty of ten pounds currency, to be recovered with costs by summary process before any one or more Justices of the peace, for the division or district in which such Town, Township or Place may lie.

VI. And be it enacted, that all proceedings in any suit, action or prosecution, which before the passing of this Act, may, under the provisions of the Provincial Act herein first above cited, have been commenced against any such Quaker, Menonist or Tunker, as aforesaid, for the recovery of any penalty imposed by the said Act, shall cease and be discontinued from and after the passing of this Act.

LINE FENCES AND WATER COURSES.

ACT 8 VIC., CAP. 20.

An Act to repeal an Act therein mentioned, and to provide for the regulation of Line Fences and Water Courses in Upper Canada.

[Passed 17th March, 1845.]

[So much of the first section repealed as vests the appointment of Fence Viewers in the inhabitant freeholders and householders, at their annual meetings.—*Vide* Municipal Corporations Act, 12 Vic., Cap. 51, Sec. 31, *Afterly*.]

WHEREAS it is expedient to repeal the Act hereinafter mentioned, and to make better provision for the regulation of Line Fences and Water Courses in Upper Canada: Be it therefore enacted, &c., That it shall and may be lawful for the inhabitant freeholders and householders of each and every Township in that part of this Province formerly Upper Canada, at their annual Township Meeting for the election of Township Officers, to choose from among the inhabitants of the said Township, in the same manner as by law other Township Officers are chosen, not less than three nor more than twelve fit and proper persons to serve the office of Fence Viewers, who shall perform the duties hereinafter prescribed to Fence Viewers, which Fence Viewers are hereby declared to be Township Officers within the meaning of the Act of Upper Canada passed in the first year of Her Majesty's Reign, and intitled, *An Act to alter and amend sundry Acts regulating the appointment and duties of Township Officers*, and shall accordingly make the like declaration, and shall be liable to all the penalties by the said Act imposed for neglect or refusal to perform their duties, and shall be bound by all the provisions thereof applicable to Township Officers generally.

II. And be it enacted, That each of the parties occupying adjoining tracts of land, shall keep up, make and repair, a fair and just proportion of the Division or Line Fence between their several tracts of land, which Line Fence shall be made on the line dividing such tracts of land, and equally on either side thereof: and that where there shall be a dispute between the parties as to the commencement or extent of the part of the said Division or Line Fence which either party may claim or refuse to make or repair, it shall and may be lawful for either party to submit the same to the determination and award of three Fence Viewers, which Fence Viewers are hereby authorized and required, upon being duly notified by either party in such case, to attend at the time and place stated in such notice, and after being satisfied that the other party or parties in the case have been duly notified to appear at the same time and place, to proceed to examine the premises; and such Fence Viewers or any two of them shall determine any and every dispute in the matter aforesaid between the said parties: And the award and determination of such Fence Viewers or any two of them on the matters aforesaid, shall be binding on the parties as far as concerns the making or repairing of such Division or Line Fence, and from thenceforth the occupier or occupiers of the said tracts or parcels of land shall respectively make and repair and keep in repair that part of such Division or Line Fence which shall have been assigned in such award or determination to the occupier or occupiers of such tract or parcel of land, which determination and award shall be made in writing and signed by such Fence Viewers or a majority of them and filed with the Town Clerk, and a copy of the same if so required given to each of the said parties: Provided always, that when by reason of any material change of circumstances in respect to the improvement and occupation of adjacent lots or

Preamble.

Fence Viewers to be chosen at Township Meetings, and to be Township Officers within the meaning of 1 Vict. cap. 4.

Fence Viewers shall have power, on the application of parties being neighbours, to assign to each the share of the Line Fence he is bound to keep up.

Award how to be made and enforced.

Proviso, in certain cases, a new award may be obtained.

parcels of land, an award which has been made under this Act shall cease, in the opinion of either of the parties, to be equitable between them, it shall be in the power of either to obtain another award of Fence Viewers by the same mode of proceeding as is hereinbefore directed: and that if the Fence Viewers who shall have been called upon to make such subsequent award shall find no reason for making an alteration, the whole cost of such reference shall be borne by the party at whose instance it shall have been made.

If either party refuse to make his share of a Line Fence, the other party may make it and recover the costs.

III. And be it enacted, That if any party who may be in the occupation of any tract or parcel of land, shall neglect or refuse to make or repair (as the case may be) an equal or just proportion of the Division or Line Fence between such tract or parcel of land and the adjoining tract or parcel of land, for a period of thirty days after being required by a demand in writing, by the party occupying such adjoining tract or parcel of land, or after the award of the Fence Viewers as aforesaid, to make or repair such equal or just proportion of the Division or Line Fence, or if the party making the demand shall for such period neglect or refuse to make or repair an equal or just proportion of the Division or Line Fence, it shall and may be lawful for either of the said parties, after first completing his own proportion of such Fence, to make or repair, in a substantial manner and of good sound materials, the whole or any part of the said Division or Line Fence, which ought to have been by the other party made or repaired, and to recover, in the manner herein-after mentioned, of the party who may have neglected or refused in manner aforesaid to make or repair such proportion of the Division or Line Fence, the just and full value of such proportion not exceeding the sum of two shillings and six pence per rod, to be ascertained and determined in the manner hereinafter provided: Provided always, that any Fence coming within the meaning and intent of the resolution adopted by the inhabitant householders and freeholders, at their last annual Township Meeting, shall be considered by all Fence Viewers to be a lawful Fence, and when no such resolution shall have been adopted, then and in that case it shall be lawful for such Fence Viewers, when called upon, to exercise their own judgment and decide what they consider to be a lawful Fence.

Proviso: a Fence shall be considered sufficient if it be within the description declared to be so by resolution of the Township meeting. If there be no resolution, Fence Viewers to have a discretion.

A Justice of the Peace may enforce payment of the costs of the Fence made by a party for his neighbour under the next preceding section, first procuring a report of Fence Viewers.

IV. And be it enacted, That it shall and may be lawful for any Justice of the Peace, residing within the Township in which such Fence may be situated, and if there be no such Justice residing in the said Township, then any other Justice of the Peace residing in any adjacent Township, and he is hereby required, upon the demand of any party interested, to issue a Summons under his hand and seal directed to three Fence Viewers (by their proper names) of the Township in which such Fence is situated, requiring them to attend at the place and on the day and hour therein mentioned, to view such Fence and to appraise the same; and also to issue a Summons to the party so having neglected or refused to make or repair such proportion of the Division or Line Fence, (who shall thenceforth be considered as the party defendant in the case,) requiring him or them to appear at the same time and place, to shew cause why the party claiming payment as aforesaid (who shall thenceforth be considered as the party plaintiff in the case) should not recover the same.

V. And be it enacted, That such Fence Viewers, upon being personally served at least four days previously with such summons, and any two of them being there then present, and after having duly examined the Fence and received evidence, which, if required by either party, and if the said Fence Viewers shall think it expedient, shall be given under oath, they or any two of them shall determine whether the said

Duty of the Fence Viewers in making such report.

party plaintiff is entitled to recover any or what sum from the party defendant under the provisions of this Act; and in all cases where the commencement or extent of the part of such Division or Line Fence which each should make or repair has not been determined by the award of Fence Viewers as aforesaid, the said Fence Viewers or any two of them shall determine the same, (which determination shall be final and binding on the occupiers of the said tracts or parcels of land, and have the same effect as if it had been made by the Fence Viewers in the manner first before mentioned,) and shall report their determination upon the matters aforesaid in writing under their hands to the Justice by whom the Summons shall have been issued, and shall also, in all cases where they determine that the plaintiff or plaintiffs is or are entitled to recover any thing from the defendant or defendants, state what distance of Fence they have determined that the defendant or defendants should have made or repaired; and the said Fence Viewers, if they shall be required by either party, before they shall have made a report as aforesaid to the said Justice, shall give to such party requiring the same a true copy of their said determination.

To what point the report shall extend.

Copy may be required by either party.

VI. And be it enacted, That if either of the said parties shall desire to procure the attendance of any person or persons to give evidence before such Fence Viewers, it shall and may be lawful for the said Justice to issue, upon the application of either of the said parties, a Summons to any person or persons to attend as a witness or witnesses before the said Fence Viewers at the time and place mentioned in the said Summons to the Fence Viewers; and that the said Fence Viewers, when met as aforesaid at the time and place mentioned in the Summons, shall be and are hereby authorized, whenever it shall be desired by either party or they shall think it proper, to administer an oath to any witness, which oath shall be in the following form: "You do solemnly swear that you will true answer make to such questions as may be asked of you by either of the Fence Viewers now present, touching the matters which they are now to examine and determine: So help you God." And if any person giving evidence as aforesaid under oath shall be guilty of false swearing, he shall be guilty of wilful and corrupt perjury, and upon conviction thereof shall be liable to the same punishment and disabilities to which persons convicted of that offence in other cases are now by law liable.

Witnesses may be summoned.

And sworn.

The oath.

False swearing to be perjury.

VII. And be it enacted, That the said Justice to whom the determination of the Fence Viewers shall be returned as aforesaid, shall transmit the same to the Clerk of the Division Court having jurisdiction over the said Township, and certify and transmit a copy thereof to the Township Clerk, to be entered in the book in which the Township proceedings are recorded, and thereupon the said Clerk of the said Division Court shall issue an execution against the goods and chattels of the said defendant or defendants, in the same manner as if the party in whose favour the said determination shall have been made, had recovered judgment in the said Court for the sum which the said Fence Viewers shall have determined as aforesaid he was entitled to receive, with such costs as are hereinafter provided and to be allowed: Provided also, that no such Writ of Execution shall be issued until after the expiration of forty days from the time of such determination.

The Report shall be transmitted by the Justice to the Clerk of the Division Court.

Execution to issue thereon.

Costs.

Proviso, delay before execution.

VIII. And be it enacted, That when any party shall cease to occupy or improve his land, or shall lay the enclosure before under improvement, in common, the said party or parties shall not have a right to take away any part of the Division or Line Fence adjoining to the next enclosure that is improved or occupied, provided the party occupying the lands adjoining the same will allow and pay therefor so much as the

Provision as to Fences adjoining lands which, after being improved, are left in common, and when the lands after being

unimproved become improved.

Fence Viewers or a majority of them shall in writing determine to be the reasonable value thereof; and whenever any lands which have laid unimproved and in common shall be afterwards enclosed or improved, the occupier or occupiers thereof shall pay for their fair or just proportion of the Division or Line Fence standing upon the divisional line between the same land and the land of the enclosure of any other occupant or proprietor, the value thereof to be ascertained and set forth in writing by three Fence Viewers, in case the parties shall not agree among themselves, and the amount of such value may be recovered according to the proportions so estimated, in the same manner and form as hereinbefore provided respecting the making and keeping in repair Division or Line Fences.

In what case only any party may remove his portion of a Line Fence.

IX. And be it enacted, That in no case shall any person be authorized to take away any part of the Division or Line Fence which to the said party may belong, adjoining to the next enclosure which is improved or occupied, unless the party or parties occupying the lands adjoining the same, refuse, after demand made in writing by the person or persons purposing to remove part of any Line Fence, to pay for the same as aforesaid; nor without first giving due notice to such party for at least twelve months previously to the removal of the same.

Provision as to Water Fences.

X. And be it enacted, That when a Water Fence or a Fence running into the water is necessary to be made, the same shall be made in equal parts, unless by the parties otherwise agreed; and in case either party shall refuse or neglect to make or maintain the share to such party belonging, similar proceedings shall or may be had, as in other cases of the like kind respecting other Fences in this Act mentioned.

Duty of Fence Viewers as to lands bounded by brooks, &c.

XI. And be it enacted, That when lands belonging to or occupied by different persons, are subject to be fenced and bounded upon or divided from each other by any brook, pond, or creek, which of itself is not a sufficient fence, in such case, if the parties disagree, the same may be submitted to three Fence Viewers, as heretofore provided; and if in the opinion of such Fence Viewers, such brook, river, pond, or creek, is not of itself a sufficient barrier, and that it is impracticable to fence at the true boundary line, they shall judge and determine how or on which side thereof the Fence shall be set up and maintained, or whether partly on one side and partly on the other, as to them shall appear just, and reduce their determination to writing as heretofore provided in other cases; and if either of the parties shall refuse or neglect to keep up or maintain the part of the Fence to such party belonging, according to the Fence Viewers' determination in writing as aforesaid, the same may be done and performed as is in this Act before provided in other cases, and the delinquent party shall be subject to the same costs and charges, and to be recovered in like manner.

Penalty for not obeying their award.

Powers and duties of Fence Viewers with regard to Ditches or Water Courses in which two or more parties shall be interested.

XII. And whereas it is expedient to provide for the opening of Water Courses in Upper Canada: Be it therefore enacted, That in all cases when it shall be the joint interest of parties resident to open a Ditch or Water Course for the purpose of letting off surplus water from swamps or sunken miry lands in Upper Canada, in order to enable the owners or occupiers of such swampy or sunken lands to cultivate or improve the same, it shall be the duty of such several parties to open a just and fair proportion of such Ditch or Water Course according to the several interests that such parties may have in the same; and in cases where a dispute shall or may arise as to the part, width, depth, or extent that any party so interested ought to open or make, the same may be referred to three Fence Viewers, in the same way and manner as is heretofore by this Act provided in cases of disputes between parties relative to Line

or Division Fences; and it shall be the duty of such Fence Viewers to whom such matters shall be referred, to divide or apportion such Ditch or Water Course among the several parties, in such way as in the opinion of such Fence Viewers shall be a just and equitable proportion having due regard to the interest each of the parties shall have in the opening of such Ditch or Water Course; and the Fence Viewers at the same time decide what length of time shall be allowed to each of the said parties to open his share of such Ditch or Water Course; and the determination or award of such Fence Viewers shall be made in the same manner, and have the same effect in regard to Ditches or Water Courses as is provided by this Act in regard to Division or Line Fences.

XIII. And be it enacted, That when it shall appear to such Fence Viewers that the owner or occupier of any tract or parcel of land is not sufficiently interested in the opening of such Ditch or Water Course to make him a party, and at the same time that it is necessary that such Ditch should be continued across his land by the other party or parties at his or their own expense, they may award the same in manner and form aforesaid; and upon such award, such party or parties may lawfully open such Ditch or Water Course across such land as aforesaid at his or their own expense, without being deemed to have committed a trespass by so doing.

Provision as to a Water Course crossing the land of a party not otherwise interested.

XIV. And be it enacted, That if any party shall neglect or refuse upon demand made in writing as aforesaid, to open or make and keep open his share or proportion allotted or awarded to him by such Fence Viewers as aforesaid, within the time allowed by such Fence Viewers, either of the other parties may, after first completing his own share or proportion allotted to him in manner aforesaid, open the share or proportion allotted to such party neglecting or refusing to open the same, and such party so opening such other party's share shall be entitled to recover not more than the sum of two shillings per rod from the party so neglecting or refusing to open his share or proportion, in the same manner as is in this Act provided relative to Line and Division Fences.

Provision in case any party shall refuse to make his share of a Water Course.

XV. And be it enacted, That any party who may be in possession of any part of an allowance for road laid out as such in the rear of his lot, in the original survey of any Township in Upper Canada, the same being enclosed by a lawful Fence, and which road, from particular circumstances, may not be travelled or required to be used by the public for the time being, by reason of any other road or roads, being used in lieu thereof, or because the same has not been open for public travel, shall be deemed and taken to be legally possessed of that part of such road as against any other private party: Provided always, that in any such case the said possession shall cease and determine, upon an order from any two Justices of the Peace for the District in which such allowance for road may be situate, being made and directed to the proper Township Officer requiring him to open the same.

A party may take lawful possession of the allowance for road in rear of his lot, in certain cases and on certain conditions.

Proviso.

XVI. And be it enacted, That the following fees, and no more, shall be received by the different parties acting under the provisions of this Act, that is to say:

Fees for services under this Act.

To the Justice of the Peace:

For Summons to Fence Viewers, one shilling and three pence.

For Subpœna, which may contain three names, one shilling and three pence.

For transmitting copy of Fence Viewers' determination to Division Court and to Township Clerk, one shilling and three pence.

To the Fence Viewers :

Five shillings per day each ; if less than half a day employed, two shillings and six pence.

To the Bailiff or Constable employed :

For serving Summons or Subpœna, one shilling.

Mileage—per mile, four pence.

To Witnesses—per day each, two shillings and six pence.

Fees actually paid to be included in the execution.

XVII. And be it enacted, That the fees hereinbefore allowed shall be included in the execution to be issued by the Clerk of the Division Court as aforesaid, upon the party in whose favour the determination of the Fence Viewers shall be made, making an affidavit that the same have been duly paid and disbursed to the said parties respectively, (and which affidavit the said Clerk is hereby empowered to administer), and when recovered shall be paid over by the said Clerk to the said party entitled to recover the same.

Interpretation clause.

XVIII. And be it enacted, That the words "Upper Canada" wherever they occur in this Act shall mean all that part of this Province which formerly constituted the Province of Upper Canada; that the word "party" in this Act shall include any person or persons, body or bodies politic or corporate; and that all words importing the singular number or the masculine gender only, shall include several persons, matters or things of the same kind as well as one person, matter or thing, and females as well as males, unless there be something in the subject or context inconsistent with such interpretation.

Act of U. C.
4 William IV.
c. 13, repealed.

XIX. And be it enacted, That the Act of the Legislature of Upper Canada, passed in the fourth year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to regulate Line Fences and Water Courses, and to repeal so much of an Act passed in the thirty-third year of His late Majesty King George the Third, intituled, "An Act to provide for the nomination and appointment of Parish and Town Officers within this Province," as relates to the office of Fence Viewers being discharged by Overseers of Highways and Roads*, shall be and the said Act is hereby repealed upon, from and after the first day of April next: Provided always, that the repeal of the said Act shall not be construed to revive any Act or part of an Act thereby repealed.

Proviso.

TAX ON DOGS.

ACT 8 VIC., CAP. 57.

An Act to empower the District Councils of Municipal Districts, and Boards of Police of Incorporated Towns in Upper Canada, to impose a Tax on Dogs, within their respective Districts and Towns.

[Passed 29th March, 1845.]

Preamble.

WHEREAS it is expedient to empower the District Councils and Boards of Police in Upper Canada to impose a Tax on Dogs, and to make By-laws respecting the keeping of Dogs, and for preventing their running at large: Be it therefore enacted, &c., That in addition to the purposes for which, by the thirty-ninth section of the Act passed in the fourth and fifth years of Her Majesty's Reign, and intituled, *An Act to provide for the better internal government of that part of this Province which formerly constituted the Province of Upper Canada, by the establishment of*

4 and 5 Vict.
cap. 10.

Local or Municipal authorities therein, the District Councils of the several Districts in Upper Canada are empowered to make By-Laws, it shall be lawful for each of the said District Councils, respectively, to make By-Laws for the following purpose, that is to say,—For regulating the time at which Dogs shall be permitted to run at large within the District, and for imposing a Tax upon the owners of Dogs, and for obliging the owners to keep collars on their Dogs, with the name of such owner thereon, and for the destruction of Dogs not claimed by any person as the owner, and running at large contrary to any such By-Laws: Provided always, that no Tax to be imposed by any District Council on the owners of Dogs shall, in any case, exceed the sum of five shillings in any one year, for each Dog over six months old: Provided also, nevertheless, that such By-Laws shall not extend or be construed to extend to any incorporated City or Town in Upper Canada: And provided also, that every Farmer in any District shall be entitled to keep one Dog for farm use, without paying any Tax for such Dog under this Act.

District Councils in U. C. empowered to make By-Laws respecting dogs running at large,—to tax the owners, &c.

Exceptions.

II. And be it enacted, That except so far as it is otherwise provided by this Act, such By-Laws shall be in all respects subject to the provisions of the Act first above cited, with regard to the By-Laws which any District Council is thereby empowered to make.

Such By-laws subject to provisions of 4 & 5 Vict. cap. 10.

III. And be it enacted, That the monies coming into the hands of any District Treasurer, and arising from any Tax or penalty imposed by any such By-Law as aforesaid, shall form part of the District Funds, and shall be subject to the same provisions as any other monies forming part of the said funds.

Monies accruing therefrom to become District funds.

IV. And be it enacted, That it shall and may be lawful for any Board of Police within any Town by law entitled to the same, to make such By-Laws, Ordinances and Regulations, for the like purposes, within the said Towns, as they shall see fit: Provided always, that it shall not be lawful for any such District Council or Board of Police to order the destruction of any Dogs running at large within the limits of the said Town, unless a Proclamation, signed by the Warden and Chairman of such District Council, or by the President of such Board of Police, shall have been published at least two days before such order.

Boards of Police may make ordinances for like purposes; and destroy dogs after Proclamation.

V. And be it enacted, That all sum or sums of money levied within any such incorporated Town, under the provisions of this Act, shall be applied for the general purposes of the said Town, in such manner as shall be directed, from time to time, by the Board of Police within the same.

Monies levied in towns under this Act to be applied to general purposes of town.

VI. And be it enacted, That for all the purposes of this Act, it shall be deemed and held sufficient proof of the ownership in any Dog upon which a Tax may be levied, if the said Dog is known to the Assessor of any Township or Incorporated Town aforesaid, to frequent any dwelling or lodging house as a home, and the owner or occupier of such dwelling or lodging house shall be held liable for the payment of the Tax on any such Dog, and in any action or suit for alleged injury or damage committed by such Dog, the return of the Assessor designating such ownership, shall be deemed and held to be *prima facie* evidence of such ownership, and further, that any person being generally or frequently attended or followed by any Dog, shall be deemed and considered, for all the purposes of this Act, as *prima facie* owner thereof, and liable as such owner for the payment of such Tax, or for all injuries or damages committed by such Dog.

What shall be deemed proof of ownership of a dog.

VII. And be it enacted, That this Act may be repealed, altered or amended, by any Act of the Parliament of this Province to be passed during the present Session.

Act may be altered.

ALLOWANCES FOR ROADS.

ACT 9 VIC., CAP. 8.

An Act to prevent the opening of Government Allowances for Roads without an order from the District Council of the District in which the said Allowances are situate.

[Passed 18th May, 1846.]

Preamble.

No Government allowance for roads to be opened unless by an order of the District Council.

Proviso.

WHEREAS in consequence of roads established by Law, parallel or near to Government allowances for roads and in lieu thereof, the said allowances for roads have for years remained closed and in the possession of private persons; And whereas great inconveniences may arise in consequence of the said allowances being thrown open without due notice thereof being given: Be it therefore enacted, &c. That from and after the passing of this Act no allowance for road shall be opened unless an Order ordering the same to be opened shall be first made by the District Council of the District in which the allowance is situated: Provided always, that no such Order shall be made unless a notice in writing that an application for that purpose will be made shall have been given to the party in possession of such allowance for road, at least eight days previous to the meeting of the District Council at which such application is intended to be made.

WESTERN DISTRICT.

ACT 10 & 11 VIC., CAP. 39.

An Act to divide the Western District of the Province of Canada, and for other purposes therein mentioned.

[Passed 9th July, 1847.]

[Repealed with the exception of the following Sections.]

The District Councillors for the said County of Kent to procure plans for a Court House and Gaol.

III. And be it enacted, That the District Councillors for the Townships in the said County of Kent, shall and they are hereby authorized, at a Public meeting to be by them holden for that purpose, at some convenient place, within the said Town of Chatham, so soon after the passing of this Act as may be convenient, (a notice signed by a majority of the said Councillors calling such meeting and fixing upon the time and place thereof having been served at least ten days before that fixed for the meeting, on each of the Councillors entitled to attend the same,) to procure by such means as to the said Councillors, or the major part of them present at such meeting, or at any adjourned meeting of the said Councillors, shall seem fitting and proper, plans and elevations of a Gaol and Court House, to be laid before them for the purpose of thereafter selecting and determining upon one by the Councillors then and there assembled as aforesaid.

Where the said Gaol and Court House shall be erected.

IV. Provided always, and be it enacted, That such Gaol and Court House for the said District of Kent shall be erected on the ground reserved as a site for a Gaol and Court House in the said Town of Chatham, which ground and the said Court House and Gaol shall be from and after the Proclamation aforesaid, vested in the District Council of the said District of Kent, until which time the same shall be

and are hereby vested in the Building Committee hereinafter mentioned.

X. And be it enacted, That it shall and may be lawful for the Councillors for the Townships in the said County of Kent, so assembled as aforesaid, and they are hereby empowered by an order of such meeting, to authorize and direct the Treasurer so to be appointed as aforesaid, to raise by loan, from such person or persons, bodies corporate or politic, as may be willing to lend the same on the credit of the rates and assessments to be raised, levied and collected in the said intended District, a sum not exceeding three thousand pounds, to be applied in defraying the expense of building the said Court House and Gaol.

The said Councillors may authorize a loan to be raised by the Treasurer of the Building Committee.

Amount to be borrowed.

XI. Provided always, and be it enacted, That the money so borrowed under the authority of this Act shall not be at a higher rate of interest than six per centum per annum; and the Treasurer for the said intended District for the time being, shall annually, until the loan so raised, with the interest accruing thereon, shall be paid and discharged, apply towards the payment of the same a sum not less than one hundred pounds, together with the lawful interest upon the whole sum which may from time to time remain due, from and out of the rates and assessments so coming into his hands, for the use of the said intended District.

No more than legal interest to be paid.

Interest and capital how to be paid.

XII. And be it enacted, That no Treasurer hereafter to be appointed, either by the said meeting, or by the Councillors of the said intended District, shall be entitled or authorized to receive any poundage or per centage upon any sum or sums of money which shall or may be loaned under the authority of this Act, or which may come into his hands, or for paying out any sum or sums of money, in discharging and liquidating such loan with the interest thereon as aforesaid.

No Treasurer to receive any per centage on monies coming into his hands under this Act.

LOCK-UP HOUSES.

ACT 10 & 11 VIC., CAP. 41.

An Act to establish Lock-up-Houses in the unincorporated Towns and Villages of Canada West.

[28th July, 1847.]

[Repealed, except the following Clauses.*]

III. And be it enacted, That it shall be lawful for each such District Council to establish a Lock-up-House in any such Town or Village containing not less than one hundred adult inhabitants, and not being distant less than ten miles from the District Town: And that the said Lock-up-Houses shall be severally placed in the charge and keeping of a Constable, to be specially appointed for that purpose by the Magistrates of the District in which such Town or Village may be situated, at any General Quarter Sessions of the Peace for the said District; and such Constable shall be resident in such Town or Village and be one of the Constables of the Township in which such Town or Village may be situated, and the said Justices in Quarter Sessions may allow such salary or fees as they may think proper to such Constable.

District Councils to establish Lock-up Houses and the Magistrates in Q. S. to appoint Keepers and fix their fees or salaries.

* Section 3 is not mentioned in the repealing Schedule of the Act 12 Vic., Cap. 80; nor is it mentioned in the saving Schedule. We take it, therefore, that the clause is still in force.

Justices of the Peace residing in or near the Town or Village, may commit persons charged with certain crimes to the Lock-up House.

* *Sic.*

V. And be it enacted, That it shall be lawful for any Justice of the Peace, residing at or near any Town or Village where a Lock-up-House may have been established, or nearer to the same than to the District Town, to authorize by written order to* confinement or detention therein of any person or persons who may be charged on oath with having committed any criminal offence, and whom it may be lawful and necessary to detain until such person may be examined and fully committed for trial to the Common Jail, or dismissed as the case may be, so as such confinement or detention shall not exceed the period of two days: And also, all persons found in the streets or high ways in a state of intoxication, and all persons who may have been convicted of unlawfully desecrating the Sabbath, and generally all persons convicted, on view of such Justice of the Peace, or on the oath of one or more credible witnesses, of any offence cognizable by the law of that part of this Province, formerly Upper Canada, so as such detention or confinement in any of the last mentioned cases shall not exceed the period of twenty-four hours: And to authorize the detention therein of any person committed to the Common Jail, until such person can be conveyed to such Jail.

Expense of conveying prisoners to Lock-up Houses how defrayed.

VI. And be it enacted, That the expense of conveying any prisoner to, and detaining and keeping him or her in any such Lock-up-House, shall be defrayed in the same manner as the expense of conveying such prisoner to and keeping him or her in the Common Jail at the District would by law be.

COUNTY DIVISIONS ACT, U. C.

8 VIC., CAP. 7.

An Act for better defining the limits of the Counties and Districts in Upper Canada, for erecting certain new Townships, for detaching Townships from some Counties and attaching them to others, and for other purposes relative to the division of Upper Canada into Townships, Counties and Districts.

[It is unnecessary to publish here, the whole of the un repealed parts of this Act, but the following Schedule, will be useful for reference in connection with the Acts 12 Vic., caps. 78, 79, and 96, on pages 80 to 94, inclusive, of this Manual.]

[Passed 10th February, 1845.]

SCHEDULE B.

COUNTIES AND RIDINGS.

- Addington.** *Addington*,—(Which for the purpose of representation in the Legislative Assembly shall be united as it now is with the County of Lennox,) shall include and consist of the Townships of Amherst Island, Camden, Ernestown, Kaladar, Sheffield and Angelsea.
- Carleton.** *Carleton*,—Which shall include and consist of the Townships of Fitzroy, Goulbourn, that part of North Gower on the north side of the Rideau River, Gloucester, Huntley, March, Marlborough, Nepean, Osgoode and Torbolton, and, except for the purposes of representation in the Legislative Assembly, the Town of Bytown. [See 9 Vic. Cap. 46.]
- Dundas.** *Dundas*,—Which shall include and consist of the Townships of Mountain, Matilda, Winchester, and Williamsburgh.
- Durham.** *Durham*,—Which shall include and consist of the Townships of Clarke, Cavan, Cartwright, Darlington, Hope and Manvers.
- Essex.** *Essex*,—Which shall include and consist of the Townships of Anderdon, Colchester, Gosfield, Maidstone, Mersea, Malden, Rochester, and Sandwich.

- Frontenac**,—Which shall include and consist of the Townships of Bedford, Barrie, Clarendon, Hinchinbrooke, Kingston, Kennebec, Loughborough, Olden, Oso, Portland, Pittsburgh, which shall include Howe Island, Palmerston, Storrington, and Wolfe Island, and, except for the purposes of representation in the Legislative Assembly, the Town of Kingston. **Frontenac.**
- Glengarry**,—Which shall include and consist of the Townships of Charlottenburgh, Kenyon, Lochiel, and Lancaster, and the Indian Reservation adjoining the said Townships of Charlottenburgh and Kenyon. **Glengarry.**
- Grenville**,—Which shall include and consist of the Townships of Augusta, Edwardsburgh, South Gower, Oxford, Wolford, and that part of North Gower lying on the south side of the River Rideau, which shall be attached to and form part of the Township of South Gower. [See 9 Vic., Cap. 46.] **Grenville.**
- Haldimand**,—Which shall for all purposes include the Townships of Canborough, Cayuga, Dunn, Moulton, Sherbrooke,—and for the purposes of representation in the Legislative Assembly and of registration of titles only, the Townships of Seneca, Oneida, Rainham and Walpole. **Haldimand.**
- Halton**,—Which shall include and consist of the Townships of Beverly, Esquesing, East Flamborough, West Flamborough, Nassagaweya, Nelson, and Trafalgar, and for all purposes except that of representation in the Legislative Assembly, the Township of Dumfries, and for the purpose of representation in the Legislative Assembly only, the Township of Erin. **Halton.**
- Hastings**,—Which shall include and consist of the Townships of Elzevir, Grimsthorpe, Hungerford, Huntingdon, Lake, Marmora, Madoc, Rawdon, Sydney, Tudor, Thurlow, and Tyendinaga. **Hastings.**
- Huron**,—Which shall include and consist of the Townships of Ashfield, Biddulph, Blanchard, Colborne, Downie, Ellice, South Easthope, North Easthope, Fullerton, Goderich, Hibbert, Hay, Hullett, Logan, McKillop, McGillivray, Stephen, Stanley, Tuckersmith, Osborne, and Wawanosh. **Huron.**
- Kent**,—Which shall include and consist of the Townships of Bosanquet, Brook, Camden, Chatham, Dawn, East Dover, West Dover, Enniskillen, Howard, Harwich, Moore, Orford, Plympton, Raleigh, Romney, Sarnia, Sombra, East Tilbury, West Tilbury, Warwick, and Zone. **Kent.**
- Lanark**,—(Which for the purpose of representation in the Legislative Assembly, shall be united, as it now is, with the County of Renfrew,) shall include and consist of the Townships of Bathurst, Beckwith, Drummond, Dalhousie, Darling, North Elmsley, North Burgess, Levant, Lanark, Montague, Ramsay, North Sherbrooke, South Sherbrooke. **Lanark.**
- Leeds**,—Which shall include and consist of the Townships of Bastard, Burgess, North Crosby, South Crosby, Elmsley, Elizabethtown, Kitley, Lansdown, Leeds, Yonge, and Escott, and except for the purposes of representation in the Legislative Assembly, the Town of Brockville. **Leeds.**
- Lennox**,—(Which shall for the purpose of representation in the Legislative Assembly, be united, as it now is, to the County of Addington,) shall include and consist of the Townships of Adolphustown, Fredericburgh, Fredericburgh additional and Richmond. **Lennox.**
- Lincoln**,—Which shall include and consist of the Townships of Caistor, Clinton, Gainsborough, Grantham, Grimsby, Louth, Niagara, and (except for the purposes of representation in the Legislative Assembly) the Town of Niagara. **Lincoln.**
- Welland**,—Which shall include and consist of the Townships of Bertie, Crowland, Humberstone, Pelham, Stamford, Thorold, Wainfleet, and Wilmoughby. **Welland.**
- Middlesex**,—Which shall include and consist of the Townships of Adelaide, Aldborough, Bayham, Carradoc, Delaware, Dorchester, Dunwich, Ekfrid, Lobo, London, Metcalfe, Mosa, Malahide, Southwold, Westminster, Williams, Yarmouth, and (except for the purposes of representation in the Legislative Assembly,) the Town of London. **Middlesex.**
- Norfolk**,—Which shall for all purposes include the Townships of Charlotteville, Houghton, Middleton, Townsend, Woodhouse, Windham, Walsingham, and Long Point, and Ryerson's Island in Lake Erie; (and for all purposes except that of representation in the Legislative Assembly, and that of registrations of titles,) the Townships of Rainham and Walpole. **Norfolk.**
- Northumberland**,—Which shall include and consist of the Townships of Alnwick, Cramahe, Hamilton, Haldimand, South Monaghan, Murray, Percy, and Seymour. **Northumberland.**

- Oxford.** *Oxford*,—Which shall include and consist of the Townships of Blandford, Blenheim, Burford, Dereham, Nissouri, North Oxford, East Oxford, West Oxford, Oakland, Norwich, East Zorra, and West Zorra.
- Peterborough.** *Peterborough*,—Which shall include and consist of the Townships of Asphodel, Belmont, Burleigh, Bexley, Dummer, Douro, Ennismore, Emily, Eldon, Fenelon, Harvey, Methuen, Mariposa, Otonabee, Ops, Smith, Somerville, Verulam, and North Monaghan.
- Prescott.** *Prescott*,—Which shall include and consist of the Townships of Alfred, Caledonia, East Hawkesbury, West Hawkesbury, Longueil, and Plantagenet.
- Prince Edward.** *Prince Edward*,—Which shall include and consist of the Townships of Athol, Ameliasburgh, Hillier, Hallowell, Marysburgh, and Sophiasburgh.
- Renfrew.** *Renfrew*,—(Which shall, for the purpose of representation in the Legislative Assembly, be united as it now is with the County of *Lanark*,) shall include and consist of the Townships of Admaston, Blithesfield, Bagot, Bromley, Horton, MacNab, Pakenham, Pembroke, Ross, Stafford, and Westmeath.
- Russell.** *Russell*,—Which shall include and consist of the Townships of Clarence, Cumberland, Cambridge, and Russell.
- Simcoe.** *Simcoe*,—Which shall include and consist of the Townships of Adjala, Artemesia, Collingwood, Essa, Flos, West Gwillimbury, Innisfil, Medonte, Matchedash, Mulmur, Mono, Notawasaga, Osprey, Oro, North Orillia, South Orillia, Saint Vincent, Sunnidale, Tay, Tecumseth, Toronto, Tiny, Upshasia, and Vespra.
- Stormont.** *Stormont*,—Which shall include and consist of the Townships of Cornwall, Finch, Osnabruck, Roxborough, and (except for the purpose of representation in the Legislative Assembly,) the Town of Cornwall.
- Waterloo.** *Waterloo*,—Which shall include and consist of the Townships of Arthur, Amaranth, Bentinck, Derby, Eramosa, Egremont, Geolph, Glenelg, Garrafraxa, Holland, Luther, Mornington, Minto, Maryborough, Melancthon, Normanby, Nichol, Peel, Proton, Puslinch, Sydenham, Sullivan, Waterloo, Wilnot, Woolwich, and Wellesley, and, for the purpose of representation in the Legislative Assembly only, the Township of Dumfries, and for all purposes except that of representation in the Legislative Assembly, the Township of Erin.
- Wentworth.** *Wentworth*,—Which shall for all purposes include the Townships of Ancaster, Brantford, Binbrooke, Barton, Glandford, Onondaga, Saltfleet, and Tuscarora, and (for all purposes except that of representation in the Legislative Assembly, and that of Registration of Titles,) the Townships of Seneca and Oneida, and (except for the purpose of representation in the Legislative Assembly) the Town of Hamilton.
- York.** *York*,—Which shall be divided, as it now is, into four Ridings, each returning one Member to the Legislative Assembly, that is to say:
- North Riding.** *The North Riding*,—Which shall include and consist of the Townships of Brock, North Gwillimbury, East Gwillimbury, Georgina, Mara, Reach, Rama, Scott, Thora, Uxbridge, and Whitchurch.
- South Riding.** *The South Riding*,—Which shall include and consist of the Townships of Etobicoke, King, Vaughan, and York, and for the purposes of Registration of Titles only, the City of Toronto.
- East Riding.** *The East Riding*,—Which shall include and consist of the Townships of Markham, Pickering, Scarborough, and Whitby.
- West Riding.** *The West Riding*,—Which shall include and consist of the Townships of Albion, Caledon, Chinguacousy, Toronto Gore, and Toronto.

SUPPLEMENT

TO THE

MUNICIPAL MANUAL.

CORPORATIONS AMENDMENT ACT.

ACT 13 & 14 VIC., CAP. 64.

An Act for correcting certain errors and omissions in the Act of the Parliament of this Province, passed in the last Session thereof, intituled, "An Act to provide, by one general law, for the erection of Municipal Corporations and the establishment of Regulations of Police in and for the several Counties, Cities, Towns, Townships and Villages in Upper Canada," for amending certain of the provisions of the said Act, and making some further provisions for the better accomplishment of the object thereof.

[10th August, 1850.]

WHEREAS in the engrossment of the Act passed in the last Session of Parliament, chaptered eighty-one, and intituled, *An Act to provide, by one general law, for the erection of Municipal Corporations and the establishment of Regulations of Police, in and for the several Counties, Cities, Towns, Townships and Villages in Upper Canada*, some errors were accidentally committed, and amongst them, one of the Schedules in the said Act referred to, and intended to have been annexed to the same, was wholly omitted: And whereas there are also some inaccuracies, as well in the body of the said Act as in the Schedules thereunto annexed; And whereas it is expedient as well to correct the said errors and inaccuracies as to amend the said Act in some of the provisions thereof, and to make some further provisions for the better accomplishment of the object thereof: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the several words, phrases and sentences in the first column of the Schedule to this Act annexed, marked A, numbered from one to thirty-six inclusive, and set forth at

Preamble.

13 Vict. c. 81.

Certain words, &c., mentioned in Schedule A. substituted for certain others in the said Act.

length in the second column of the said Schedule, as such several words, phrases and sentences are contained in those several parts of the several and respective Sections, sub-sections and provisoes of the said Act particularly referred to in the third column of the said Schedule, opposite to each of such words, phrases and sentences respectively, shall be, and the same as so contained in such sections, sub-sections and provisoes, are hereby repealed; and the several and respective words, phrases and sentences set forth in the fourth column of the said Schedule, opposite to each of such first mentioned words, phrases and sentences respectively, shall be, and the same are hereby substituted for such first mentioned words, phrases and sentences, each for each respectively; and henceforth, the said substituted words, phrases and sentences, instead of those for which they are so substituted as aforesaid respectively, shall be, and shall be deemed and taken to have been the words, phrases and sentences used in the several and respective sections, sub-sections and provisoes of the said Act in the third column of the said Schedule mentioned, opposite to each of such words, phrases and sentences respectively, and, in the parts of such sections, sub-sections and provisoes therein particularly mentioned; and the said Act, and all other Acts referring to the same, shall be construed as if such substituted words, phrases and sentences had been there used in such respective sections, sub-sections and provisoes respectively, and in the parts thereof respectively in the said third column of the said Schedule mentioned as aforesaid, at the time of the passing of the said Act, any thing therein contained to the contrary notwithstanding: Provided always, nevertheless, that nothing in this Section contained, shall render void or otherwise affect in any way, any thing heretofore done under the authority of the said Act, but the same, unless it shall have been made the subject of proceedings at Law actually instituted before the passing of this Act, shall be, and the same is hereby ratified and confirmed; any thing herein contained to the contrary notwithstanding.

How the said Act shall hereafter be construed.

Proviso: as to things already done.

Parts of Schedule B. repealed and new provisions substituted.

II. And be it enacted, That so much of the Schedule to the said Act annexed, marked B, as extends to the end of the divisions of the Town of Belleville into Wards, and also those parts of the said Schedule which apply to the Towns of Cobourg, Picton, Port Hope, Prescott and Saint Catharines respectively, their respective boundaries and divisions shall be, and the same are hereby respectively repealed,—and that the Schedule to this Act annexed, marked “Schedule B,” shall be substituted for the said first mentioned part of the said Schedule B, to the said Act annexed,—that the Schedule to this Act annexed, marked “5 Cobourg,” shall be substituted for the said secondly above mentioned part of the Schedule B, to the said Act annexed,—that the Schedule to this Act annexed, marked “12 Picton,” shall be substituted for the said thirdly mentioned part of the said Schedule B, to the said Act annexed,—that the Schedule to this Act annexed, marked “13 Port Hope,” shall be substituted for the said fourthly mentioned part of the said Schedule B, to the said Act annexed,—that the Schedule to this Act annexed, marked “14 Prescott,” shall be substituted for the same fifthly above mentioned part of the said Schedule B, to the said Act annexed,—and that the Schedule to this Act annexed, marked “15 Saint Catharines,” shall be substituted for the said sixthly above mentioned part of the said Schedule B, to the said Act annexed, and each of such substituted parts respectively shall from henceforth be deemed and taken to form, and to have formed, that part of the said Schedule for which it is so hereby respectively substituted as aforesaid; any thing in the said Act, or the Schedules thereof, to the contrary notwithstanding: Provided always nevertheless, firstly: That nothing in this Section contained shall render void or otherwise affect in any way any thing heretofore done under the authority

Proviso: as to things already done.

of the said Act, but the same, unless it shall have been made the subject of proceedings at Law, actually instituted before the passing of this Act and still pending before the proper tribunal, shall be and the same is hereby ratified and confirmed; anything herein contained to the contrary notwithstanding; and provided also, secondly, that the Municipal Elections for the said Towns of Belleville, Cobourg, Pictou, Port Hope, Prescott and Saint Catharines, held in January last, and all other proceedings had thereon, so far as the same shall be dependent upon the legality of such elections, shall be and the same are hereby specially ratified and confirmed as aforesaid.

Proviso: certain Municipal elections confirmed.

III. And be it enacted, That the Schedule to this Act annexed, marked Schedule D, shall from henceforth be deemed and taken to be, and to have been annexed to the said recited Act, as the Schedule D, therein referred to; and that all such proceedings as, at any time during the year one thousand eight hundred and forty-nine, might have been had or taken for fixing or establishing the boundaries of any of the Towns mentioned in the said Schedule D, or for carrying the said Act into effect, with respect to any such Town, by the election and organization of a Municipality for the same at the commencement of the present year, shall and may be had and taken at any time during the corresponding periods of the year one thousand eight hundred and fifty, with the view and for the purpose of fixing or establishing such boundaries, and of carrying the said Act into effect with respect to such Town, by the election and organization of a Municipality for the same at the commencement of the year one thousand eight hundred and fifty-one, and as if the said Act, with the said Schedule D annexed thereto, had been passed during the present Session of Parliament.

The omitted Schedule D. supplied.

Certain proceedings which might have been had in 1849, but for the omission of the Schedule D, may be had in 1850.

IV. And be it enacted, That it shall and may be lawful for the Governor of this Province, for the time being, if he shall deem it expedient so to do, at any time previous to the First day of December next, to issue a Proclamation under the Great Seal of the Province, authorizing and directing the immediate organization of a Municipality for the present year, in and for any of the Towns mentioned in the first Division of the said Schedule D; and to make such provisions in and by such Proclamation, as in his discretion may appear necessary or expedient, for fixing or establishing the boundaries of such Towns, for appointing a Returning Officer, and for holding and regulating the first Municipal Election to be held for the same,—for the appointment of Municipal Officers, and for imposing and levying the necessary assessments for Municipal purposes for the year one thousand eight hundred and fifty, and for all other purposes necessary or expedient for enabling such Municipality to exercise the several powers and privileges conferred upon such bodies by the said Act; and the said Municipality, so organized, their officers and servants, shall to all intents and purposes, have the like powers and privileges, and be subject to the like duties and obligations as if they had been duly elected at the period fixed by the said Act for the general Annual Municipal Elections throughout Upper Canada for the present year.

Governor may issue a proclamation for authorizing the immediate organization of a Municipality in any town in the first division of Schedule D, and may provide thereby for certain purposes.

V. And whereas it is expedient to remove certain doubts as to the legality of the Municipal Election held in and for the Towns of Belleville, Bytown and Peterborough, and the Village of Richmond, in the County of Carleton, for the present Municipal year: Be it therefore enacted, That for and notwithstanding any defect of substance or form in the authority of the persons who acted as Returning Officers at such Municipal Elections respectively, or in the notice given for holding such Elections, or in the time when, or the place where, such Elections were respectively held, the said Municipal Elections and all proceedings had

Doubts as to elections in Belleville, Bytown, Richmond and Peterborough removed.

thereon, shall be and the same are hereby ratified and confirmed, any thing in the said Act to the contrary notwithstanding; and that for and notwithstanding any such defect of substance or form in the persons who appointed the times and places of meeting of the Town Councillors returned at such Elections for the purpose of organizing the Common Councils of such Towns respectively, or in the notice given for holding such meetings, or in the time when or the place where the same were held for that purpose, the organization of such Common Councils and all proceedings had thereon, shall be, and the same are hereby ratified and confirmed, any thing in the said Act to the contrary notwithstanding: Provided always nevertheless, that nothing in this Section contained shall render valid or otherwise affect any such proceeding which shall have been made the subject of proceedings at law actually instituted before the passing of this Act, and still pending before the proper tribunal; any thing herein contained to the contrary notwithstanding.

Proviso: as to pending proceedings.

And as to property qualification of councillors, &c., elected in January, 1850.

Proviso: as to pending proceedings.

Certain powers, &c., as to surveys under 12 Vic. c. 35, transferred to and vested in township municipalities.

VI. And be enacted, That for and notwithstanding any want of qualification in respect of property in any person elected a Councillor of any Township, Village or Town, or an Alderman or Councillor of any City, at the Annual Municipal Elections for the different Townships, Villages, Towns and Cities, held in January last, the election of every such Councillor and Alderman, if in other respects sufficient, shall be and the same is hereby ratified and confirmed: Provided always nevertheless, that nothing in this Section contained shall render valid or otherwise affect the claim of any such person whose election shall have been made the subject of proceedings at law, actually instituted before the passing of this Act, and still pending before the proper tribunal; any thing herein contained to the contrary notwithstanding.

VII. And be it enacted, That the powers and duties, by the thirtieth and thirty-first Sections of the Act passed in the last Session of Parliament, chaptered thirty-five, and intituled, *An Act to repeal certain Acts therein mentioned, and to make better provision respecting the admission of Land Surveyors and the Survey of Lands in this Province*, conferred and imposed upon the Municipal Councils of the different Counties (therein called Districts) in Upper Canada, and on the Treasurers and other officers thereof, shall be and the same are hereby transferred to and imposed upon the different Township Municipalities in Upper Canada, and upon their Treasurers and Officers respectively, to be exercised and performed by such Township Municipalities, their Treasurers and other Officers in the like cases and in the like manner as is therein provided with respect to such corresponding Municipal Councils, their Treasurers and other Officers; and no such powers or duties shall henceforth belong to, or be required of, the Municipal Councils of the different Counties or Unions of Counties in Upper Canada, their Treasurers or other Officers, or any of them.

Recital.

VIII. And whereas by the third Section of the said first-mentioned Act, provision was made for the Union of Townships having less than one hundred resident freeholders and householders on the Collector's Roll, to any adjacent Township having that number of such freeholders and householders, but not for the Union of several Townships having each less than the prescribed number of such freeholders and householders, but which, if formed into a Union, would together have more than such prescribed number; And whereas in the newly settled parts of the country, the want of such a provision has been found to occasion great inconvenience: Be it therefore enacted, That it shall and may be lawful for the Municipal Council of any County or Union of Counties in Upper Canada, at any time before the thirty-first day of December, in

New provision as to unions of townships.

the year of our Lord one thousand eight hundred and fifty, by a By-law to be passed for that purpose, to dissolve all or any of the Unions of Townships formed or to be formed under the authority of the said third section of the said Act, and if they shall deem it expedient so to do to form such other Unions of the Townships within such Counties or Unions of Counties, as they may think most convenient for the accommodation of the people of such Townships: Provided always nevertheless, firstly, that it shall be lawful for any such Municipal Council, in forming such Unions, to attach together any two or more Townships lying within the same County, but not when they shall be within different Counties of such Unions of Counties: And provided also, secondly, that the Townships to be thus formed into any such Union shall together have had not less than one hundred freeholders and householders on the Collector's Rolls for the last year that the same shall have been respectively made up prior to the passing of such By-law: Provided also, thirdly, that every such By-law shall designate the order of seniority of the Townships forming every such Union of Townships, which shall in every such By-law be arranged (unless in the opinion of such Municipal Council, there may appear some special reason to arrange them otherwise) according to the relative number of freeholders and householders on such Collector's Rolls respectively, those having the greater number on such Rolls being placed senior to those having the less.

Proviso.

Proviso.

Proviso.

IX. And be it enacted, That upon, from and after the day on which any Proclamation already issued, or to be hereafter issued, under the authority of the said first mentioned Act or of this Act, for erecting any village, hamlet or place into an incorporated Village, or any incorporated Village into a Town, shall have come into force and taken effect, or shall hereafter come into force or take effect, every such incorporated Village or Town, with the boundaries in such Proclamation prescribed for the same, shall be and be held to have been, and shall continue to be part of the County to which it shall by such Proclamation be declared to belong, as well for the purpose of representation in the Commons House of Legislative Assembly of this Province, as for all other purposes whatever, except only when any such Town shall be entitled to be represented in such Legislative Assembly by a member or members of its own, in every which last case, such Town, with the boundaries in such Proclamation prescribed for it, shall, for the purpose of Representation in such Legislative Assembly, cease to be or form part of such or any other County; and that upon, from and after the day on which any Proclamation already issued or to be hereafter issued, under the authority of the said first-mentioned Act or of this Act, for erecting any Town into a City, shall have come into force and taken effect, or shall hereafter come into force and take effect, such City and the liberties thereof, with the boundaries in such Proclamation prescribed for such City and the liberties thereof, shall, (if such City, when a Town, shall have been entitled to be represented by a member or members in the said Legislative Assembly,) for all the purposes of Representation in such Legislative Assembly, altogether cease to be or form a part of the County or Counties out of the territory of which it shall have been formed, and shall be, and be deemed to have been, from the time aforesaid, in the relative position to the County on the borders whereof it shall be situate, provided and prescribed by the eighty-fifth Section of the said first mentioned Act, and the other provisions thereof.

In what cases and for what purposes towns and cities shall not form part of the counties in which they lie.

Incorporated villages always to be part of the county.

X. And be it enacted, That it shall be lawful for any of the Municipal Councils of the several Counties and Unions of Counties in Upper Canada, to establish a Lock-up-House in any Town, Incorporated Village, or Police Village, within the Jurisdiction of such Municipal Council, and to establish and provide for such salary or fees to be paid

Lock-up-houses may be established by county councils, subject to certain provisions, and in certain places.

to the Constable to be placed in charge of every such Lock-up-House, as they may deem just and reasonable, and to direct the payment of such salary out of the funds of such County, or Union of Counties; and that every such Lock-up-House shall be placed in the charge and keeping of a Constable to be specially appointed for that purpose by the Magistrates of such County or Union of Counties, at any General Quarter Sessions of the Peace for the same; and such Constable shall be resident in such Town or Village, and be one of the Constables of such Town or of the Township in which such Village may be situated: Provided always nevertheless, firstly, That nothing herein contained shall affect any Lock-up-Houses established under the Laws heretofore in force respecting the same, but every such Lock-up-House shall be and continue a Lock-up-House within the meaning of this section although not in any such Town or Incorporated or Police Village as aforesaid: And provided also, secondly, That parties summarily convicted before Magistrates under the provisions of the Act of the Parliament of the late Province of Upper Canada, passed in the fourth year of the Reign of His late Majesty King William the Fourth, chaptered four, and intitled, *An Act to provide for the summary punishment of petty trespasses and other offences*, may, in the discretion of the committing Magistrate or Magistrates be committed to the nearest Lock-up-House in the County or Union of Counties in which the conviction took place, instead of being committed to the Common Gaol of such County or Union of Counties.

Proviso.

Proviso.

1 W. 4, c. 4.

Provisional municipal councils may borrow money, and contract debts for certain purposes.

XI. And be it enacted, That the Provisional Municipal Councils in Upper Canada shall have, and shall be deemed to have had at all times since provision was made for their establishment, the like power and authority to make By-laws for borrowing all necessary sums of money for the purchase of the necessary County property and the erecting of the necessary County Buildings, and other County works within their jurisdiction and the scope of their authority, and for incurring any debt in respect of the same as is or shall by law be vested in Municipal Councils generally, in that section of the Province, subject always, nevertheless, to the restrictions, limitations and other provisions for securing the payment of loans made to such Municipal Councils, within a limited time, and otherwise securing and insuring the recovery and payment thereof, as are or may by law be imposed upon such Municipal Councils, and upon the By-laws to be passed by them for that purpose.

Municipal council substituted for provisional M.C. after dissolution of union: officers continued until next election.

XII. And be it enacted, That upon, from and after the day on which the union between any two or more Counties in Upper Canada, heretofore forming a Union of Counties, shall be dissolved, the Townreeves and Deputy Townreeves of the Junior County of such Union who shall have been in office on the day preceding the dissolution of such Union, shall, until replaced by new elections held under the said first mentioned Act, form and be to all intents and purposes whatsoever the Municipal Council of such Junior County, which Municipal Council and their successors shall to all intents and purposes whatsoever be substituted for the Provisional Municipal Council of such County, which shall have been thereby dissolved, and the Provisional Warden and other Provisional Officers of the said Provisional Municipal Council shall be and continue the Warden and Officer respectively of such Junior County, until the election or appointment of their successors under the said first mentioned Act, and all the By-laws of such Provisional Municipal Council shall be and continue in force until amended, altered or repealed according to law, by some By-law or By-laws to be passed for that purpose by the Municipal Council of such Junior County, as such By-laws would be and remain in force had the same been By-laws of such Municipal Council.

XIII. And be it enacted, That every Municipal Corporation so substituted for the Provisional Municipal Corporation of any County in Upper Canada, shall become charged with and liable to all debts, liabilities and obligations of such Provisional Municipal Corporation legally contracted or incurred as aforesaid, as if such debts, liabilities and obligations had been contracted by such Municipal Corporation themselves; and all actions at law and suits in Equity, wherein such Provisional Municipal Corporation shall have been a party, and pending at the time of the dissolution of such Provisional Municipal Corporation, shall be continued by or against such substituted Municipal Corporation in their Corporate Name as if such Municipal Corporation had been the party thereto originally.

And to be liable for debts, &c.

XIV. And be it enacted, That no By-law passed or to be passed by any Provisional Municipal Council, in accordance with the requirements of the one hundred and seventy-seventh Section of the said first mentioned Act, for imposing a special rate to be levied in each year, for the payment of any debt created by loan or otherwise, shall be repealed by the Municipal Council, which shall thereafter be substituted for such Provisional Municipal Council until the debt so created and the interest thereon shall be fully paid and discharged: Provided always nevertheless, that no such By-law as aforesaid, whether passed by any Municipal Council, or by any Provisional Municipal Council, shall be held to be repealed by the Act passed in the present Session of the Provincial Parliament, and intituled, *An Act to repeal the Acts and provisions of Law relative to Assessments and matters connected therewith in Upper Canada*, but notwithstanding any thing in the said last mentioned Act contained, every such By-law shall remain in force until the debt to which it relates, and the interest thereon, shall be fully paid and discharged.

Certain by-laws not to be repealed.

Proviso as to effect of assessment repealing Act of this session.

XV. And be it enacted, That in case of there being an equality of votes in the Municipal Corporation of any Township or Village, on the Election of Townreeve for such Township or Village, or in the Municipal Corporation of any Town or City, on the Election of Mayor for such Town or City, the Member of such Municipal Corporation who, according to the Collector's Roll or Rolls of such Township, Village, Town or City, for the year next preceding that for which such election shall be held, shall be assessed for the highest amount, shall have a second or casting vote on such election.

Case of equality of votes for Mayor, &c., provided for.

XVI. And be it enacted, That in every Proclamation erecting the Townreeves and Deputy Townreeves of any Junior County into a Provisional Municipal Council for such Junior County, a time and place may be appointed for holding the first Meeting of such Provisional Municipal Council, and some one of such Townreeves or Deputy Townreeves appointed to preside at such Meeting, and in case any such Proclamation shall not contain any such appointment of time or place or of a person to preside at such first Meeting, and in all cases of the erection of such Provisional Municipal Council by Act of Parliament, such time and place and such presiding Officer as aforesaid shall and may be appointed by the High Sheriff of the United Counties, of which such Junior County shall be one, by a warrant under his hand and seal directed to such Townreeves and Deputy Townreeves by their name of office, and published in the Official Gazette of this Province: Provided always nevertheless, Firstly, that such presiding Officer shall preside in such Provisional Municipal Council only until a Provisional Warden shall be elected by such Provisional Municipal Council: And provided also, Secondly, That in all cases of an equal division of votes on any question pending in any such Provisional Municipal Council, the Pro

Time and place of first meeting of provisional municipal council to be appointed by proclamation.

How, if the P.M.C. be erected by Act of Parliament.

Proviso.

Proviso.

visional Warden of such County, or the Presiding Officer of such Provisional Municipal Council for the time being, shall have a second or casting vote on such question.

Provisions of
sect. 208 of
amended Act
continued until
31st Dec., 1851.

XVII. And be it enacted, That the provisions contained in the two hundred and eighth Section of the first mentioned Act, as amended by this Act, shall be and continue in force till the 31st day of December, in the year of our Lord one thousand eight hundred and fifty one, and the persons therein described as entitled to Elect and be Elected under the same shall be those entitled to Elect and be Elected respectively at all the Municipal Elections to be held under the said Act previous to that day.

SCHEDULE A.

Referred to in the First Section of this Act.

NO.	WORDS, PHRASES & SENTENCES OF 12 VIC., CAP. 81, REPEALED BY THIS ACT.	Sections, Sub-Sections and Provisions, of 12 Vic., Cap. 81, and the parts thereof, respectively, in which the repealed words, phrases and sentences are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
1	To divide such Townships anew, into several Wards, as aforesaid.	Section 8. — Between the words, "for that purpose," and the words, "re-arranging the same,"	To divide such Townships into several Wards, or where the same shall have been previously so divided by Act, either of the District or County Municipal Council, or of the Municipality of the Township, then to divide the same anew into several wards as aforesaid, arranging or
2	Fifty.	Section 16. — Between the words, "within it," and the word, "resident,"	one hundred
3	For the year following.	Section 16. — Between the words, "Township shall" and the words, "The making up,"	for the year next but one following.
4	Three Assessors for the Township, and one Collector for the same.	Section 28. — Between the word "appoint" and the words, "and that the said Assessors,"	Such and so many Assessors and Collectors for the said Township as shall or may be permitted or prescribed (as the case may be) by the Laws for the assessment of property, and the levying and collecting of rates for local purposes, in force in Upper Canada for the time being.
5	Permission to proceed.	Section 31. — Sub-Section 17 between the words "Road or Bridge Companies," and the words "with any Roads or Bridges within the jurisdiction"	to which opposition has been made in accordance with the provisions of the Act passed in the present Session of Parliament, intituled, "An Act to authorize the formation of Joint Stock Companies, for the construction of Roads and other works in Upper Canada," permission to proceed.
6	By imprisonment.	Section 31. — Sub-Section 29, between the words "reasonable punishment," and the words, "not exceeding,"	by imprisonment either in any Lock-up House in any Town or Village situate within the Township or in the County Gaol or House of Correction for any period,
7	The Municipal Council for such County.	Section 33. — After the words, "shall constitute"	the Municipal Council for such County: Provided always, nevertheless, firstly, That no Townreeve shall be entitled to take his seat in such Municipal Council, until he shall have filed with the Clerk of such Municipal Council, a certificate under the hand and seal of the Town Clerk of the Township, Village or Town for which he shall be entitled to sit in such Municipal Council, of his having been

NO.	WORDS, PHRASES & SENTENCES of 12 Vic., CAP. 81, REPEALED BY THIS ACT.	Sections, Sub-Sections, and Provisos, of 12 Vic., Cap. 81, and the parts thereof, respectively, in which the repealed words, phrases and sentences are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
			duly elected, and taken the Oath of Qualification and Office as such Townreeve; And provided also, secondly, That no Deputy Townreeve shall be entitled to take his seat in such Municipal Council until he shall have filed a similar certificate with the Clerk of such Municipal Council, and also a copy of the Collectors' Roll or Rolls for such Township, Village, or Town, for the previous year, verified by the affidavit or affirmation of the Collector, appended to or endorsed upon such copy, and sworn or affirmed before some Justice of the Peace for the County, to the effect that the same is a true copy of such Roll or Rolls, and that it contains the names of all the freeholders and householders in such Township, Village or Town as they appear upon such Roll or Rolls.
8	Of the Inspectors of the County House of Industry, and of such and as many other Officers as may be necessary for carrying into effect any of the provisions of this Act, or of any other Act of the Legislature of this Province, or of the late Province of Upper Canada, the erection or maintenance of such Houses of Industry, or of any By-law or By-laws of the Municipal Council of such County, respecting the same.	Section 41. — Sub-Section 6, after the words, "for the appointment,"	under the Corporate Seal of such County Council, one or more County Engineers, one or more Inspectors of the County House of Industry, one or more Overseers of Highways, Road Surveyors, and such and so many other Officers as may be necessary for carrying into effect any of the provisions of this Act, or of any other Act of the Legislature of this Province, or of the late Province of Upper Canada, or of any By-law or By-laws of the Municipal Council of such County, and in like manner to displace all or any of them, and appoint others in their room, and to add to or diminish the number of them, or any of them, as often as the said Corporation shall see fit.
9	Licenses to proceed.	Section 41. — Sub-Section 18, between the words, "Road or Bridge Companies," and the words, "with any Roads or Bridges within the jurisdiction,"	to which opposition has been made in accordance with the provisions of the Act passed in the present Session of Parliament, intituled, "An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other Works in Upper Canada," permission to proceed,
10	And the Townreeve.	Section 59. — Between the words, "as the Municipality of any Township shall have in respect of such Township, and the words, "of every such Village,"	And the Townreeve and Deputy Townreeve, where from the number of freeholders and householders on the Collectors' Roll, such Village Municipality shall be entitled to elect such Deputy Townreeve.
11	Townreeve.	Section 59. — Between the words, "as the," and the words, "or other Officers,"	Townreeve, Deputy Townreeve.
12	Townreeve.	Section 59. — Between the words, "and the," and the words, "of each "	Townreeve and Deputy Townreeve.
13	For any such Town.	Section 75. — After the words, "Justices of the Peace,"	For any such Town: Provided always, nevertheless, that no such appointment shall be held to limit, determine or otherwise interfere with the jurisdiction, powers, duties or liabilities of the Justices of the Peace for the County within which such Town shall be situate in respect of such Town, or in, over, or with respect to offences committed within the same.
14	To be taken by the owners or drivers thereof.	Section 81. — Sub-Section 4, between the words "pay or hire" and the words, "and for preventing,"	and to compel in a summary manner the prompt payment of the lawful fare or hire to the owner or driver of such Horses, Cab, Hackney Coach, Omnibus, Carts and other Carriages by the parties hiring or using the same.

NO.	WORDS, PHRASES & SENTENCES OF 12 VIC., CAP. 81, REPEALED BY THIS ACT.	Sections, Sub-Sections and Provisos, of 12 Vic., Cap. 81, and the parts thereof, respectively, in which the repealed words, phrases and sentences are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
15	One Alderman.	Section 83. — Between the words "of such Ward," and the words, "and two Councillors."	Two Aldermen.
16	From the time of the erection of any Town into a City.	Section 87. — Between the words, "that," and the words, "any and every Commission of the Peace,"	the Aldermen of each City which shall be or remain incorporated as such under the authority of this Act, shall by virtue of their respective offices be Justices of the Peace in and for such City and the Liberties thereof, and that from the time of the erection of any Town into a City.
17	By the Corporation of such City.	Section 88. — After the words, "who shall be appointed annually,"	by the Corporation of such City, who may by By-law, if they shall deem it expedient so to do, provide that the offices of High Bailiff and Chief Constable may be united in and held by the same person.
18	Officer and Police Magistrate as provided with respect to incorporated Towns as aforesaid, and which shall have the like duties and powers in all respects in such City and the Liberties thereof as is herein provided with respect to the Police Officers.	Section 93. — Between the words, "besides a police," and the words, "Magistrates for incorporated Towns,"	Office and Police Magistrate as provided with respect to incorporated Towns as aforesaid, and which Police Magistrate shall have the like duties and powers in all respects in such City and the Liberties thereof as is herein provided with respect to the Police.
19	The City Courts and.	Section 95. — Between the words, "at any other than," and the words, "the Courts of Assize Nisi Prius,"	The City Courts or on trials at the Bar of either of Her Majesty's Superior Courts of Common Law at Toronto, or at
20	Shall be vested in, and belong to such Police Magistrate.	Section 117. — After the words, "by the Municipal Corporations thereof,"	shall be vested in and belong to such Police Magistrate, and whenever there shall be no Police Magistrate for any such Town or City, such power under such By-laws as aforesaid, shall be vested in and belong to the Mayor of such Town or City.
21	Shall have full power and authority, upon complaint made to them, or any one of them, upon oath, of any riotous or disorderly conduct, in the house of any Inn or Tavern Keeper, in any such Town or City, to enquire summarily into the matter of such complaint, and for the Mayor or Police Magistrate of such Town or City to summon such Inn or Tavern Keeper to appear, to answer such complaint, and thereupon, it shall be lawful for the Mayor or Police Magistrate, with any two Aldermen or Justices of the Peace, to investigate the same, and to dismiss the same with costs, to be paid by the complainant, or to convict the said Inn or Tavern Keeper, of having a riotous and disorderly house, and to abrogate the license or to suspend the benefit of the same, for any period not exceeding sixty days.	Section 118. — Between the words, "under the authority of this Act," and the words, "and during the period of such suspension."	and the Townreeve of any Township or Village incorporated or to be incorporated under the same, with any two Justices of the Peace for the County or Union of Counties within which such Township or Village shall be situate, shall have full power and authority upon complaint made to them or any one of them, upon oath of any riotous or disorderly conduct in any Inn, Tavern, Ale or Beer House, situate within such Town or City or the Liberties thereof, or within such Township or Village respectively, to enquire summarily into the matter of such complaint, and for such Mayor, Police Magistrate or Townreeve to summon the keeper of such Inn, Tavern, Ale or Beer House, to appear to answer such complaint, and thereupon it shall be lawful for such Mayor or Police Magistrate with any two of such Aldermen or Justices of the Peace, or for such Townreeve with any two of such Justices of the Peace, to investigate the same, and to dismiss the same with costs to be paid by the complainant, or to convict the said keeper of such Inn, Tavern, Ale or Beer House of having a riotous or disorderly house, and to abrogate the license for keeping the same, or to suspend the benefit of the same for any period not exceeding sixty days, with or without costs, as in their discretion may seem just.
22	Of the said Office.—So help me God.	Section 127. — After the words, "or other undue execution,"	of the said office, So help me God;" and in default thereof shall forfeit the sum of Ten Pounds to the use of Her Majesty, Her Heirs and Successors, together with such costs of prosecution as shall be adjudged by the Court,

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23	<p>Instances of any Relator having an interest as a candidate or voter in any election to be held under the authority of this Act, a writ of summons in the nature of a <i>quo warranto</i>, shall lie to try the validity of such election, which writ shall issue out of Her Majesty's Court of Queen's Bench for Upper Canada, upon an order of that Court in term time, or upon the fiat of a Judge thereof in vacation, upon such Relator shewing upon affidavit to such Court or Judge, reasonable grounds for supposing that such election was not conducted according to law, or that the party elected or returned thereat was not duly or legally elected or returned, and upon such Relator entering into a recognizance before the said Court or any Judge thereof, or before any Commissioner, for taking bail in such Court, himself in the sum of fifty pounds, and two sureties to be allowed as sufficient upon affidavit, by such Court or Judge, in the sums of twenty-five pounds each, conditioned to prosecute with effect the writ to be issued upon such order or fiat, and to pay to the party against whom the same shall be brought, his executors or administrators, all such costs as shall be adjudged to such party against him the said Relator, thereupon such writ shall be issued accordingly: and the said writ shall be returnable upon the eighth day after that on which it shall be served on such party by the delivery of a copy thereof to him personally, or in the manner hereinafter provided for, before some one of the Judges of the said Court at Chambers, which Judge shall have power, upon proof by affidavit of such personal or other service, and he is hereby required to proceed in a summary manner upon statement and answer, and without formal pleadings, to hear and determine the validity of such election, and to award costs against the Relator or Defendant upon such writ, as he shall deem just.</p>	<p>Section 146.—After the words, "that at the," at the commencement of the section.</p>	<p>instance of any Relator having an interest as a municipal voter in or for any Township or Village, or in or for any ward of any Township, Town or City, for which any election shall be held under the authority of this Act, or having such interest as a candidate at such election, a writ of summons in the nature of a <i>quo warranto</i> shall lie to try the validity of such election, and also where it shall be alleged by such Relator that himself or some other person was duly elected and ought to have been returned at such election, then to try as well the validity of the election complained against as the validity of the alleged election of such Relator or other person, both which objects shall be embraced in the same writ, which writ shall issue out of either of Her Majesty's Superior Courts of Common Law at Toronto, upon an order of such Court in Term time or upon the fiat of a Judge thereof in Vacation, upon such Relator shewing upon affidavit to such Court or Judge, reasonable grounds for supposing that such election was not conducted according to law, or that the party elected or returned thereat, was not duly or legally elected or returned, and upon such Relator entering into a recognizance before the said Court or any Judge thereof, or before any Commissioner, for taking bail in such Court, himself in the sum of fifty pounds, and two sureties to be allowed as sufficient, upon affidavit, by such Court or Judge, in the sum of twenty-five pounds each, conditioned to prosecute with effect the writ to be issued upon such order or fiat, or to pay to the party against whom the same shall be brought his Executors or Administrators, all such costs as shall be adjudged to such party, against him the said Relator, thereupon such Writ shall be issued accordingly, and the said writ shall be returnable upon the eighth day (as on Friday where service shall have been made on the Thursday of the preceding week) after that on which it shall be served on such party by the delivery of a copy thereof to him personally or in the manner hereinafter provided for, before some one of the Judges of either of the said Courts, at Chambers, which Judges shall have power—upon proof by affidavit of such personal or other service—and he is hereby required to proceed in a summary manner upon statement and answer, and without formal pleadings, to hear and determine the validity of the election complained against, and where the sufficiency or legality of such other election shall have been so alleged as aforesaid then the validity of such last mentioned election, and in case of such first mentioned election being adjudged invalid, and such last mentioned election being adjudged valid, then by a writ adapted to that purpose, to cause the person returned upon such invalid election to be removed, and the person lawfully elected and who ought to have been returned, to be admitted in his place, and in case of neither of such alleged elections being adjudged valid, then by a like writ, to cause the person returned upon such invalid election to be removed, and a new election to be held to supply the vacancy thus created, in all which cases it shall and may be lawful for such Judge, if the facts in evidence before him render it proper so to do, to make the Returning Officer at such election a party to such proceedings by a writ of summons to be served upon him for that purpose in the same manner as the writ of summons hereinbefore mentioned. And it shall and may be lawful for such Judge, and he is hereby required in disposing of</p>

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			<p>every such case, to award costs for or against the Relator or Defendant upon such writ or for or against the Returning Officer, when he shall be so made a party to such proceedings as aforesaid, as to such Judge shall seem just: Provided always, nevertheless, firstly, That all elections of Mayors, Wardens, Townreeves and Deputy Townreeves shall be deemed elections within the meaning of this section; And provided also, secondly, That whenever the grounds of objection against any such election shall apply equally to all or any number of the members of any such Municipal Corporation, it shall and may be lawful for the Relator to proceed by one writ of summons against all such members; and in case of the elections of all the members of any such Municipal Corporation being adjudged invalid, the writ for the removal of the members so adjudged to have been illegally elected and returned, and the admission of those so adjudged to have been legally elected, shall be directed to the Sheriff of the County or Union of Counties within the limits of which the locality in or over which such Municipal Corporation shall be established, shall be situate, who for the purpose of causing an election to be held under the authority of this Act, shall have all the powers and authority hereby conferred upon Municipal Corporations for supplying such vacancies as are occasioned by death; And provided also, thirdly, That all such original writs of summons shall be applied for within six weeks after the election complained against, or within one month after the person whose election is questioned, shall have accepted the office and not afterwards; And provided also, fourthly, that no costs shall be awarded against any person against whom any such writ of summons in the nature of a <i>quo warranto</i> shall be brought, who shall, within one week after having been served with such writ, transmit, postpaid, through the Post Office, directed to the Clerk of Judges Chambers at Osgoode Hall, Toronto, a disclaimer of the office in the terms, or to the effect following, that is to say:</p> <p>"I, A. B., upon whom a writ of summons, in the nature of a <i>quo warranto</i>, has been served for the purpose of contesting my right to the office of Township Councillor (or as the case may be) for the Township of _____ in the County of _____ (or as the case may be), do hereby disclaim the said office, and decline all defence of any right I may have to the same," unless it shall have been proved to the satisfaction of such Court or Judge, that such person had been a consenting party to being put in nomination as candidate for such election, in which latter case, such costs shall be in the discretion of such Court or Judge.</p> <p>And provided also, Fifthly, That it shall be the duty of every such last mentioned person to deliver a duplicate of such disclaimer to the Clerk of the Municipal Corporation, the seat in which shall be contested, who shall forthwith communicate the same to the other members of such Municipal Corporation; and provided also, Sixthly, That in any such case it shall be lawful for the Judge before whom such writ of summons is returnable to afford reasonable time and opportunity for the said Municipal Corporation, or to any person entitled as a Municipal voter of such Corporation, to intervene and defend the said election and return, in every which case such intervening party shall be liable and entitled to costs as any other party to such proceeding.</p>

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24	Her Majesty's said Court of Queen's Bench for Upper Canada, by any rule or rules to be by such Court made for that purpose, in Term time, to settle the forms of such writs of summons, <i>Certiorari Mandamus</i> and Execution as aforesaid.	Section 153.—Between the words, "it shall and may be lawful for," and the words, "and to regulate"	The Judges of Her Majesty's two Superior Courts of Common Law at Toronto, or the majority of them, by any rule or rules to be by them for that purpose made from time to time in Term time, as occasion may require, to settle the forms of all such Writs, whether of Summons, <i>Certiorari</i> , <i>Mandamus</i> , Execution, or of or for whatever other kind of purpose, as aforesaid.
25	Of the Court in matters within its ordinary jurisdiction.	Section 153.—After the words, "for the regulation of the practice."	Of the Courts in matters within their ordinary jurisdiction.
26	And the Court of Queen's Bench for Upper Canada.	Section 155.—Between the words, "of which he is the Officer," and the words, "may be moved."	And either of Her Majesty's Superior Courts of Common Law at Toronto.
27	Of such Municipal Corporation, for the preceding year.	Section 162.—Between the words, "then the Head," and the words, "shall forthwith, by warrant,"	Of such Municipal Corporation for the preceding year, or in case of his absence or the vacancy of such office, then the Clerk of such Municipal Corporation; and in case of the like vacancy of such last mentioned office, any one of the members of such Municipal Corporation for the preceding year.
28	By death or otherwise.	Section 163.—Between the words, "in any of such Municipal Corporations," and the words, "shall be filled."	By death, a judicial decision against the legality of any election, or otherwise however.
29	Of the head of such Municipal Corporation.	Section 163.—Between the words, "under the hand and seal," and the words, "provided always."	Of the head of such Municipal Corporation, or in case of his absence or the vacancy of such office, then under the hand and seal of the Clerk of such Municipal Corporation; and in case of the like vacancy of such last mentioned office, then under the hand and seal of any one of the Members of such Municipal Corporation.
30	So appointed, shall hold his seat in such Corporation, by virtue of such appointment.	Section 163.—Between the words, "that the person," and the words, "for the residue"	So elected shall hold his seat in such Corporation by virtue of such election.
31	Of Candidates, shall not have been elected, or if there shall not be in the poll book, the names of a sufficient number of candidates to supply any deficiency arising from refusal of office, or neglect or refusal to be sworn in, then.	Section 165.—Between the words, "a requisite number," and the words, "and in every such case,"	Of candidates shall not have been elected, then,
32	All such duties as may be assigned to him by any such Law or By-Law.	Section 172.—After the words, "faithfully to perform"	All such duties as may be assigned to him by any such Law or By-Law: Provided always, nevertheless, Firstly, That it shall moreover be the duty of every Township, Village and Town Treasurer, to receive from the Collector or Collectors of such Township, Village or Town, all moneys collected by such Collector or Collectors for or on account of the County Rates, and to pay the same over to the County Treasurer within such time as may be prescribed by any By-Law of the Municipal Council of such County to be passed for that purpose: And provided also, Secondly, That the Municipal Corporation of such Township, Village, or Town, shall be responsible to the Municipal Council of such County, for all such County Rates as shall or may be so paid to such Township, Village or Town Treasurer, who shall, together with his sureties, be responsible to such Municipal Corporation for the same as for moneys received by

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33	Nor on the limits of any Village, Town or City therein.	Section 187.—After the words, "original allowance for roads in any Township or County."	<p>him on account of the Township, Village or Town Rates respectively: And provided also, Thirdly, That every such Township, Village or Town Treasurer shall keep an account in his books with the County Treasurer, and shall give receipts for all moneys received by him on account of the County, and receive from the Treasurer of such County receipts for all such moneys as he shall pay over to him on account of such County Rates; And provided also, Fourthly, That nothing herein contained shall in any way exonerate any such Collector from his liability or limit his liability to the Municipal Council of such County for any of the County Rates, whenever they shall choose to proceed against him instead of against the Corporation of such City, Village or Town (as the case may be) for the recovery thereof; And provided also, Fifthly, That for all County Rates so received and paid over to the County Treasurer, the Township, Village or Town Treasurer shall be entitled to receive and take to his own use a per centage of two and a half per cent. upon all such County Rates so received and paid over as aforesaid, and no more.</p> <p>Nor on the limits of any Village or Town, or City therein, or on the borders thereof: Provided always, nevertheless, Firstly, That it shall and may be lawful for the Municipality of any Township, within which any Police Village or any other Village or Hamlet consisting of not less than twenty dwelling houses, standing within an area of not more than two hundred acres, shall be situate, upon the petition of the Trustees of such Village in the case of a Police Village, and in other cases upon the petition of fifteen of the inhabitant Householders of such Village or Hamlet, accompanied by a certificate from the Registrar of the County within which such Township shall lie, that a plan of such Village or Hamlet had been duly deposited in his office according to the then existing requirements of the Registry Laws in force in Upper Canada in that behalf, by any By-law to be passed by such Municipality for that purpose, to stop up, sell and convey or otherwise deal with any original allowance for Road that may lie within the limits of such Village or Hamlet, as the same shall be laid down on such plan, in the same manner as the Municipality of any Incorporated Village is empowered to stop up, sell, convey, or otherwise deal with any such original allowance for road within the limits of such Incorporated Village, but subject always nevertheless, to all and singular the directions, limitations and restrictions, and other the provisions in the one hundred and eighty-eighth section of this Act, contained respecting the same: Provided also, Secondly, That a Village or Hamlet situate partly within one Township and partly within another, whether such Township shall be within the same or different Counties, shall be a Village or Hamlet within the meaning of this section, and that in every such case the Municipality of each of such Townships shall have the powers hereby conferred as far as respects any original allowance for Road, lying within that part of such Village or Hamlet, which according to such plan so deposited in the Registry Office or Registry Offices of such County or Counties shall be situate within the respective limits of such Townships.</p>

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34	For the stopping up, altering	Section 192.—Between the words, "to make any By-law," and the words, "widening or diverting."	for the opening, stopping up, altering,
35	Or be elected at the annual elections of Parish and Township Officers for	Section 208.—Between the words, "heretofore had "the right to vote," and the words, "the several Townships,"	or to be elected, respectively, at the annual Township Elections for District Councillors, in
36	Provided also, that where the system of the registration of votes exists at the passing of this Act, in any City or Town, the same shall continue under the Act or Acts providing such registration, until altered by any Act as aforesaid; and provided also, that whether any such new Act for regulating assessments in Upper Canada, shall or shall not be passed, prior to this Act coming into force, the persons hereinbefore described, as entitled to elect and be elected under this Act, (until such new Assessment Law shall have passed as aforesaid,) shall be those entitled to elect and be elected respectively.	Section 208.—Between the words, "for the year previous to such election," and the words, "at the first elections to be held under this Act."	Provided always, nevertheless, Firstly, That the value of the property by the provisions of this Section, required as the qualification of a Township Councillor, shall be one hundred, instead of three hundred pounds, as heretofore required for District Councillors; and provided also, Secondly, That in the case of all Township Councillors, it shall be a sufficient qualification, if in lieu of such one hundred pounds of real property, they shall be seized or possessed of real and personal property, which shall, together, amount to two hundred pounds; and provided also, Thirdly, That in the case of all such Towns and Villages as are lastly above mentioned, every person to be elected a Councillor for any such Town or Village, shall be seized and possessed to his own use in fee, of lands and tenements within the County or Union of Counties in which such Town or Village shall be situate, or within some one or other of the Counties or Unions of Counties, next adjoining such first mentioned County or Union of Counties, of the real value of one hundred pounds currency, over and above all charges and incumbrances due and payable upon or out of the same; and provided also, Fourthly, That in the Cities and Towns in which, at the passing of this Act, a provision exists for the registering of votes, the same shall continue and be in force until repealed, altered or amended by a By-law of the Corporation of such City or Town; Provided also, Fifthly, That whether any such new Act for regulating Assessments in Upper Canada, shall or shall not be passed prior to this Act coming into force, the persons hereinbefore in this section described as entitled to elect and be elected under this Act, until such new Assessment Law shall have been passed as aforesaid, shall be those entitled to elect and be elected respectively; And provided also, Sixthly, that any Town, the Act of incorporation of which had been disallowed or had expired before the first of January, in the year of our Lord one thousand eight hundred and fifty, shall be taken and held to be an incorporated Town within this section.

SCHEDULE B.

TOWNS.

Schedule B,

1.—*Belleville*, To consist of all that part of this Province situate within the County of Hastings, and lying within the following limits, that is to say:

Commencing at the limits between Lots numbers six and seven in the first concession of the Township of Thurlow, at low water mark of

Schedule B.

the Bay of Quinte; thence, northerly, along the side line between lots numbers six and seven, to the second concession road; thence, westerly, along the said second concession line to the westerly boundary of Lot number one in the first concession of Thurlow; thence, southerly, on the town line between the Townships of Thurlow and Sidney, to the Bay of Quinte; thence, easterly, along the shore of the said Bay to the place of beginning; together with the harbour, islands and marshes in front of the said Town.

The said Town to be divided into four Wards, to be called respectively, "Sampson Ward," "Ketcheson Ward," "Baldwin Ward," and "Coleman Ward," and to comprise the following portions of the said Town respectively, that is to say:

The said "Sampson Ward" to comprise all that part of the said Town which lies to the south of Bridge-street, to the limits between Lots numbers six and seven in the first Concession of the said Township of Thurlow, on the east side of the River Moira.

The said "Ketcheson Ward" to comprise all that part of the said Town which lies north of Bridge-street and west of Pinnacle-street, on the east side of the said River Moira.

The said "Baldwin Ward" to comprise all that part of the said Town which lies north of Bridge-street and on the east side of Pinnacle-street, to the said River Moira, and thence, along the said River, to the limits of the said Town.

And the said "Coleman Ward" to comprise all that part of the said Town which lies on the west side of the said River Moira.

SCHEDULES

Substituted for parts of Schedule B of Twelfth Victoria, Chap. Eighty-one.

5.—*Cobourg*, To consist of all that part of this Province situate within the County of Northumberland, and lying within the following limits, that is to say:

Commencing on the shore of Lake Ontario, at the south-east angle of Lot number fourteen in concession B, in the Township of Hamilton; thence, north, sixteen degrees west, to the centre of the first concession of the said township; thence, south, seventy-four degrees west, to the centre of Lot number twenty-one in the said first concession; thence, south, sixteen degrees east, to the distance of half a mile from the point at which the said line intersects the margin of the water on the shore of the said Lake; thence, westerly, through the waters of the said Lake, following the direction of the curvatures, and keeping always at the distance of half a mile from the margin of the water, to a point where a line drawn southerly from the south-east angle of the said Lot number, fourteen in concession B, meets the said last mentioned line; thence, northerly, in the direction of the said line so drawn from the said concession of the said last mentioned Lot, to the place of beginning.

The said Town to be divided into three Wards, to be called respectively, "South Ward," "East Ward," and "West Ward."

The "South Ward" to comprise all that portion of the said Town which lies south of King street.

The said "East Ward" to comprise all that portion of the said Town which lies east of the centre of the street between lots numbers sixteen and seventeen, and north of King street; and

The "West Ward" to comprise all that portion of the said Town which lies west of the centre of the street between Lots numbers sixteen and seventeen and north of King street.

12.—*Picton*, To consist of all that part of this Province situate within the County of Prince Edward, and lying within the following limits, that is to say:

Commencing on the south side line of lot letter A, at a distance of fifty chains from the front of the lot; thence, across the said lot, and across lot number one, north sixty-four degrees forty-five minutes east, to a post planted on the limit between lots numbers one and two in the first Concession, north of the Carrying-Place; thence, at a right angle across lots numbers two, three and four in the said Concession; thence, along the north-east side of Lot number four, to the Bay; thence, directly across the Bay to the line between lots numbers seventeen and eighteen in the first concession east of the Carrying-Place; thence, along the water's edge, to the limit between lots numbers nineteen and twenty in the said Concession; thence, along the limit between the said lots in a south-easterly direction, twelve chains; thence, at right angles across the easterly half of lot number twenty; thence, in a south-easterly direction along the centre of the said lot number twenty, nine chains, more or less, to the east side of John-street; thence, along the east side of John street, thirty chains; thence, north eighty degrees twenty minutes west, fourteen chains, forty links, more or less, to the east side of Church-street; thence, south, twelve degrees forty-five minutes east, one chain, sixty-five links; thence, south, forty-nine degrees fifteen minutes west, fifteen chains, fifty links; thence, south, thirty-two degrees west, to the north-eastern limit of lot number one in the Concession south-east of the Carrying-Place; thence, north, eighty degrees twenty minutes west along the north-east side line of the said lot number one to the front of the lot; thence, north, eighty-seven degrees forty-five minutes west, sixty chains, more or less, to a post on the limit between lots numbers twenty-one and twenty-two in the third Concession, military tract; thence along the westerly side line of the said lot number twenty-two, twenty-four chains, seventy-four links, more or less, to lot letter A. aforesaid; thence in a direct line, to the place of beginning,—including the Harbour in the above-mentioned boundaries.

13.—*Port Hope*, To consist of all that part of this Province situate within the County of Durham, and lying within the following limits, that is to say:

Composed of Lots numbers four, five, six, seven and eight, and the east half of Lot number nine, in the First Concession of the Township of Hope, and the broken fronts of the said Lots and half Lot, together with all those parts of Lots numbers four and five, in the second Concession of the said Township of Hope, with the road allowance between the said first and second Concessions, and butted and bounded as follows, that is to say:

Commencing in rear of the first Concession, at the north-east angle of Lot number four, in the first Concession; thence, in a northerly direction, across the said allowance for road, to the south-east corner of Lot number four, in the second Concession; thence, northerly, along the easterly side of the said Lot number four, in the second Concession fifteen chains; thence, westerly, in a course parallel with the front of the said second Concession, twenty-five chains; thence, southerly, in a course parallel with the said east line of Lot number four, in the second Concession aforesaid sixteen chains, more or less, to the rear line of the first Concession; thence, easterly, along the rear of the first

Concession, to the place of beginning; and also, the water in front thereof to the distance of one quarter of a mile into Lake Ontario.

The said Town to be divided into three Wards, to be called respectively: First Ward, Second Ward and Third Ward, and which Wards are to comprise the following portions of the said Town respectively, that is to say:

The said First Ward to comprise all that part of the said Town which lies east of the River.

The said Second Ward to comprise all that part of the said Town which lies west of the River and south of Walton Street, continued westerly by Ridout street and the front of the Lake Shore Road to the western limit of the said Town.

And the said Third Ward to comprise all that part of the said Town which lies west of the River and north of Walton Street, continued westerly by Ridout Street and the said front or Lake Shore Road, to the western limit of the said Town.

14.—*Prescott*, To consist of all that part of this Province situate within the County of Grenville, and lying within the following limits, that is to say:

Commencing at the south-eastern angle of the Township of Augusta; thence, north, twenty-four degrees west, to the rear of the first Concession of the said Township; thence, south-westerly, along the Concession line to the limit between the east and west half of Lot number five, in the first Concession of Augusta aforesaid; thence, south, twenty-four degrees, east, to the River Saint Lawrence; thence, north-easterly, along the water's edge, to the south-eastern angle of the said Township, to the place of beginning, and shall take in so much of the waters of the River Saint Lawrence and the land under the wharves and buildings built in such waters as lie within three hundred yards in every direction of the edge in front of the present limits of the said Town of Prescott.

The said Town of Prescott to be divided into three wards, in the following manner, that is to say:

All that part of the Town on the south side of the Queen's highway shall compose the South Ward.

All that part of the Town on the east side of the Street called Centre Street, leading from the Queen's Highway to the rear line of the said Town, shall compose the East Ward.

And all that part of the Town on the west side of the aforesaid Street called Centre Street, shall compose the West Ward.

15.—*Saint Catharines*, To consist of all that part of this Province situate within the County of Lincoln, and lying within the following limits, that is to say:

Commencing at the north-east angle of Lot number fifteen, in the fifth Concession of the Township of Grantham; thence, south-westerly, along the road as now laid out, one hundred and fifty chains, more or less, crossing the Welland Canal at Ranney's Mills, to the western limit of the Welland Canal Lands; thence, southerly and easterly, along the Welland Canal boundary until it intersects the allowance for road between the sixth and seventh Concessions; thence, south, sixty-five degrees west, along the rear of the sixth Concession, to the limit between Lots numbers nineteen and twenty; thence, south, crossing the main road to Hamilton, five chains; thence, north, sixty degrees east, more or less, until it intersects the allowance for road between Lots numbers fifteen and fourteen; and thence, north, along the said allowance, more or less, to the place of beginning.

The said Town to be divided into three Wards, to be called respectively, Saint Thomas Ward, Saint George's Ward and Saint Paul's

Ward, and to comprise the following portions of the said Town respectively, that is to say:

The said Saint Thomas Ward to comprise all that part of the said Town which lies within the following limits:

Commencing at the south-westerly angle of the said Town; thence, north, until it intersects the allowance for road between the sixth and seventh Concessions of Grantham; thence, north, sixty-five degrees, east, along the said allowance to the Welland Canal; thence, down the said Canal, to the northern and western limit of the Welland Canal Lands; thence, easterly, across the said Canal until it intersects the main road at the north-western boundary of the said Town; thence, north-easterly, along the said boundary until it intersects Ontario Street; thence, up the said Street until it intersects Saint Paul Street; thence, southerly on the said Street until it intersects the Concession line between the sixth and seventh Concessions; thence, north-easterly, on the said line until it crosses the Welland Canal; thence, up the said Canal until it intersects the eastern boundary of the said Town; thence, south, on the said boundary until it intersects the south-easterly angle of the said Town; thence, north-easterly, to the place of beginning.

The said Saint George's Ward to comprise all that part of the said Town which lies within the following limits:

Commencing at the corner of Saint Paul and Ontario Streets; thence, down the boundary of Ontario Street to the north-westerly boundary line of the said Town; thence, north-easterly, on the said boundary, to the north-east angle of the said Town; thence, south, until it intersects Saint Paul Street; thence, up the said Street, to the place of beginning.

And the said Saint Paul's Ward to comprise all that part of the said Town which lies within the following limits:

Commencing at the intersection of Saint Paul Street with the eastern boundary of the said Town; thence, south, until it intersects the boundary of Saint Thomas Ward on the Welland Canal; thence, down the said Canal until it intersects the line between the sixth and seventh Concessions; thence, north, up the said Concession line until it intersects Saint Paul Street; thence, westerly, up the said Street, to the place of beginning.

SCHEDULE D.

TOWNS WITH MUNICIPALITIES ONLY, OR WITHOUT ANY MUNICIPAL ORGANIZATION.

FIRST DIVISION.

- | | |
|------------------|---------------|
| 1. Amherstburgh, | 4. Perth, |
| 2. Chatham, | 5. Simcoe, |
| 3. Guelph, | 6. Woodstock. |

SECOND DIVISION.

- | | |
|----------------|---------------|
| 1. Barrie, | 3. Queenston, |
| 2. L'Original, | 4. Sandwich. |

CLAUSES

OF THE

CORPORATIONS ACT

AMENDED BY THE FOREGOING SCHEDULES,

RENDERED IN FULL AS AMENDED.

[The parts of the following Clauses within Brackets are the Amendments made to the Clauses of the original Act, 12 Vic., Cap. 81, in accordance with which the following Sections are numbered.]

Any Township division into Rural Wards may be altered.

SEC. VIII. And be enacted, That it shall and may be lawful for the Municipality of each Township from time to time by any By-law or By-laws to be passed for that purpose, [to divide such Townships into several Wards, or where the same shall have been previously so divided by Act, either of the District or County Municipal Council, or of the Municipality of the Township, then to divide the same anew into several wards as aforesaid, arranging or] re-arranging the same, so as more effectually to accomplish the objects aforesaid, every which division by such Municipality shall supersede that so to be made by such District or County Municipal Council, as well as every previous division made by such Municipality itself; Provided always, nevertheless, that no such first mentioned By-law shall be of any force or effect unless the same shall have been passed by a vote of at least four fifths of the members of such Municipality for the time being.

Proviso as to By-Law for altering it,

When a Township united to another shall be incorporated by itself.

SEC. XVI. And be enacted, That whenever any Township so attached or united to another shall have within it [one hundred] resident freeholders and householders on the Collector's Roll, such Township shall, [for the year next but one following] the making up such roll and thenceforth be incorporated by itself, and such Township, and that to which it shall have been so united shall thenceforth, to all intents and purposes whatsoever, be held and considered as separate Townships.

Appointment of Assessors and Collectors.

SEC. XXVIII. And be it enacted, That the Municipality for each Township shall, so soon as conveniently may be after their own election or appointment, nominate and appoint [such and so many Assessors and Collectors for the said Township as shall or may be permitted or prescribed (as the case may be) by the Laws for the assessment of property, and the levying and collecting of rates for local purposes, in force in Upper Canada for the time being,] and that the said Assessors and Collector shall hold office from the time of their appointment respectively, until the third Monday in January of the year next after their appointment as aforesaid, and until the Municipality of such Township shall appoint new Assessors or a new Collector in their place, or in the place of any one of them, and in case of a vacancy in the office of any Assessor or Collector by death or removal of residence from the Township, the Township Municipality shall fill up the vacancy by a new appointment, at its then next meeting, or as soon thereafter as conveniently may be.

Term of Office.

As to vacancies.

Joint Stock Road Companies, &c.

SEC. XXXI. *Seventeenthly.* For regulating the manner of granting to associated Joint Stock Road or Bridge Companies, [to which opposition

has been made in accordance with the provisions of the Act passed in the present Session of Parliament, intituled, "An Act to authorize the formation of Joint Stock Companies, for the construction of Roads and other works in Upper Canada," permission to proceed] with any Roads or Bridges within the jurisdiction of such Municipality, and the manner of afterwards ascertaining and declaring according to law the completion of the works undertaken by such Companies respectively, so as to entitle such Incorporated Companies to levy tolls upon such works, and of all examinations, enquiries and investigations necessary for the proper, efficient and judicious exercise of such power.

SEC. XXXI. *Twenty-ninthly.* For the imposing and collecting by distress and sale of the goods and chattels of the offender or offenders reasonable penalties and fines not exceeding in any case five pounds, currency, and reasonable punishment [by imprisonment either in any Lock-up House in any Town or Village situate within the Township or in the County Gaol or House of Correction for any period] not exceeding twenty days, for the breach of all or any of the By-laws or regulations of such Municipality.

Fines and
Penalties.

SEC. XXXIII. And be it enacted, That the Townreeves and Deputy Townreeves of the several Townships, Villages and Towns within each County shall constitute [the Municipal Council for such County: Provided always, nevertheless, firstly, That no Townreeve shall be entitled to take his seat in such Municipal Council, until he shall have filed with the Clerk of such Municipal Council, a certificate under the hand and seal of the Town Clerk of the Township, Village or Town for which he shall be entitled to sit in such Municipal Council, of his having been duly elected, and taken the oath of qualification and office as such Townreeve; And provided also, secondly, That no Deputy Townreeve shall be entitled to take his seat in such Municipal Council until he shall have filed a similar certificate with the Clerk of such Municipal Council, and also a copy of the Collectors' Roll or Rolls for such Township, Village or Town, for the previous year, verified by the affidavit or affirmation of the Collector, appended to or endorsed upon such copy, and sworn or affirmed before some Justice of the Peace for the County, to the effect that the same is a true copy of such Roll or Rolls, and that it contains the names of all the freeholders and householders in such Township, Village or Town, as they appear upon such Roll or Rolls.]

Townreeves of
Townships and
Deputies, &c., to
form the Municipal
Council of
such County.

SEC. XLI. *Sixthly.* For the appointment [under the Corporate Seal of such County Council, one or more County Engineers, one or more Inspectors of the County House of Industry, one or more Overseers of Highways, Road Surveyors, and such and so many other Officers as may be necessary for carrying into effect any of the provisions of this Act, or of any other Act of the Legislature of this Province, or of the late Province of Upper Canada, or of any By-law or By-laws of the Municipal Council of such County, and in like manner to displace all or any of them, and appoint others in their room, and to add to or diminish the number of them, or any of them, as often as the said Corporation shall see fit.]

Appointment of
County Officers.

SEC. XLI. *Eighteenthly.* For regulating the manner of granting to associated Joint Stock Road or Bridge Companies, [to which opposition has been made in accordance with the provisions of the Act passed in the present Session of Parliament, intituled, "An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other works in Upper Canada," permission to proceed] with any roads or bridges within the jurisdiction of such Municipal Council, and the manner of afterwards ascertaining and declaring according to law the completion of the works undertaken by such Companies respectively, so as to entitle such Incorporated Companies to levy tolls upon such

Granting licenses
to Road or Bridge
Companies.

works, and of all examinations, enquiries and investigations necessary for the proper, efficient and judicious exercise of such power.

Duties and liabilities of Municipalities of Incorporated Villages to be similar to those of Township Municipalities.

SEC. LIX. And be it enacted, That the Municipality of every such Village shall be formed in like manner as the Municipality of any Township, and shall have all such powers, duties and liabilities within and in respect of such Village as the Municipality of any Township shall have in respect of such Township, [and the Townreeve and Deputy Townreeve, where from the number of freeholders and householders on the Collectors' Roll, such Village Municipality shall be entitled to elect such Deputy Townreeve] of every such Village, and the other Officers thereof, shall have like powers, duties and liabilities within and in respect thereof as the [Townreeve, Deputy Townreeve,] or other Officers of any Township shall have within and in respect of such Township, and the [Townreeve and Deputy Townreeve] of each of such Villages shall be a Member of the Municipal Council of the County in which the same is situated.

Power of Governor as to appointment of J. P. not affected.

SEC. LXXV. And be enacted, That nothing in this Act contained shall be construed to limit the power of the Governor of this Province to appoint under the Great Seal thereof, any number of Justices of the Peace [for any such Town: Provided always, nevertheless, that no such appointment shall be held to limit, determine or otherwise interfere with the jurisdiction, powers, duties or liabilities of the Justices of the Peace for the County within which such Town shall be situate in respect of such Town, or in, over, or with respect to offences committed within the same.]

Livery stable licenses, &c.

Public conveyances.

SEC. LXXXI. *Fourthly.* For regulating and licensing the owners of Livery Stables, Horses, Cabs, Hackney-coaches, Omnibusses, Carts and other Carriages used for hire in such Town, and for establishing the rates of pay or hire, [and to compel in a summary manner the prompt payment of the lawful fare or hire to the owner or driver of such Horses, Cab, Hackney Coach, Omnibus, Carts and other Carriages by the parties hiring or using the same,] and for preventing runners, stage-drivers and others in the streets or public places from soliciting and teasing passengers and others to travel in any boat, vessel, stage or vehicle.

Election of two Aldermen and two Councillors for each Ward: copies of Collector's rolls, to be furnished, &c, as in Towns.

SEC. LXXXIII. And be it enacted, That for every Ward within the limits of any such City, there shall be chosen by the male resident freeholders and householders of such Ward, [two Aldermen] and two Councillors for such Ward, for which purpose copies of the Collector's Rolls shall be furnished, verified and procured by the like persons and within the like times as is hereinbefore provided with respect to Towns; and the Common Council of each such City shall be formed of such Aldermen and Councillors in the same manner as the Town Council of any such Town shall have in and with regard to the same, and all the rules, regulations, provisions and enactments contained in this Act, as applied to Incorporated Towns, by way of reference to those provided for Incorporated Villages or otherwise, shall apply to each of the said Cities: Provided always, firstly, that the Mayor of every such City shall be elected from among the Aldermen thereof; and provided always, secondly, that no person shall be qualified to be elected an Alderman for any such Ward who shall not at the time of the Election be seized, to his own use, of Real Estate held by him in fee simple, or in freehold, within the City for which he is elected or the liberties thereof, of the assessed value of five hundred pounds, or unless he shall be a Tenant from year to year, or for a term of years, of Real Property within such City or the liberties thereof, at a *bona fide* rental of sixty pounds per annum or upwards, or shall be in the receipt of sixty pounds or upwards, of yearly rent or profit accruing from or out of Real Property within such City or the liberties thereof; and provided always, thirdly, that no person shall

Proviso: Mayor to be elected from among Aldermen.

Proviso: qualification of Aldermen.

be qualified to be elected a Councillor for any such Ward, who shall not, at the time of his Election, be in like manner seized to his own use of like Real Estate, to the value of three hundred pounds, or unless he shall be a Tenant from year to year or for a term of years, of Real Property within such City or the liberties thereof, at a *bona fide* rental of thirty pounds per annum or upwards, or shall be in the receipt of thirty pounds or upwards of yearly rent or profit accruing from or out of Real Property within such City or the liberties thereof; and provided always, fourthly and lastly, that the Aldermen and Councillors aforesaid, shall be chosen by the male inhabitants being either freeholders or householders who shall be entered on such Roll and who shall continue to reside within such Ward at the time of the Election, and who shall appear upon the said Roll to have been assessed either as Proprietors or Tenants for a house or for land, or for both, to the value of fifty pounds, and by none other.

Proviso: qualification of Councillors,

Qualification of electors.

Sec. LXXXVII. And be it enacted, That [the Aldermen of each City which shall be or remain incorporated as such under the authority of this Act, shall by virtue of their respective offices be Justices of the Peace in and for such City and the liberties thereof, and that from the time of the erection of any Town into a City,] any and every Commission of the Peace, that may have been issued for such Town shall cease and determine.

Commissions of the Peace to cease on erection of a City.

Sec. LXXXVIII. And be it enacted, That there shall be in and for each of the Cities which shall be or remain incorporated as such under the authority of this Act, besides a Chief Constable, as provided with respect to incorporated Towns as aforesaid, one High Bailiff, who shall be appointed annually [by the Corporation of such City, who may by By-law, if they shall deem it expedient so to do, provide that the offices of High Bailiff and Chief Constable may be united in and held by the same person.]

Chief Constable and High Bailiff to be appointed.

Sec. XCIII. And be it enacted, That besides a Police [Office and Police Magistrate as provided with respect to incorporated Towns as aforesaid, and which Police Magistrate shall have the like duties and powers in all respects in such City and the liberties thereof as is herein provided with respect to the Police] and Magistrates for incorporated Towns as aforesaid, there shall moreover be a Court of Record in each of the Cities, which shall be or remain incorporated as such under the authority of this Act, which Court shall be called the Recorder's Court of such City, and wherein the Recorder for the time being shall preside, assisted by one or more of the Aldermen of such City, or in the absence of such Recorder from sickness or other causes, or when there shall be no Recorder, the Mayor or one of the Aldermen of such City, to be elected by the Aldermen from among themselves, shall preside; and that such Court shall in all cases possess the like powers and have the like jurisdiction as to crimes, offences and misdemeanors committed in such City and the liberties thereof as the Courts of Quarter Sessions of the Peace now have or hereafter may have by Law in Upper Canada, as to crimes, offences and misdemeanors committed within their local jurisdiction, as well as in all those matters of civil concern not belonging to the ordinary jurisdiction of a Court of Justice, as have been or may hereafter be by Law vested in such Courts of Quarter Sessions of the Peace.

A Recorder's Court to be established for each City.

Who shall preside in it.

Jurisdiction of Recorder's Court.

Sec. XCV. And be enacted, That the inhabitants of every such City erected or to be erected under the authority of this Act, and of the liberties thereof, at all times after the passing of this Act, or after the first day of January next after the end of the three calendar months from the *teste* of the Proclamation erecting such City, as the case may be, shall be exempt from serving on Juries at any other than [the City Courts or

Inhabitants of City and Liberties exempted from serving on certain Juries after a certain date.

on trials at the Bar of either of Her Majesty's Superior Courts of Common Law at Toronto, or at] the Courts of Assize and *Nisi Prius*, Oyer and Terminer and General Gaol Delivery for the County within the limits or on the borders of which such City shall be situate.

When a Police Magistrate shall be appointed in a Town or City, powers of granting tavern licenses vested in him.

SEC. CXVII. And be it enacted, That whenever there shall be a Police Magistrate for any Town or City erected or to be erected under the authority of this Act, the power of granting licenses to inn-keepers, and the keeping of ale and beer houses within such Town or City, or the liberties thereof, under such By-laws as may be made for that purpose by the Municipal Corporations thereof, [shall be vested in and belong to such Police Magistrate, and whenever there shall be no Police Magistrate for any such Town or City, such power under such By-laws as aforesaid, shall be vested in and belong to the Mayor of such Town or City.]

Tavern-keepers keeping disorderly houses, to be tried before the Mayor or Police Magistrate and two Aldermen or Justices of the Peace; or Town-reeve and two Justices.

SEC. CXVIII. And be enacted, That the Mayor or Police Magistrate, with any two Aldermen or Justices of the Peace for any Town or City erected or to be erected under the authority of this Act, [and the Town-reeve of any Township or Village incorporated or to be incorporated under the same, with any two Justices of the Peace for the County or Union of Counties within which such Township or Village shall be situate, shall have full power and authority upon complaint made to them or any one of them, upon oath of any riotous or disorderly conduct in any Inn, Tavern, Ale or Beer House, situate within such Town or City or the liberties thereof, or within such Township or Village respectively, to enquire summarily into the matter of such complaint, and for such Mayor, Police Magistrate or Townreeve to summon the keeper of such Inn, Tavern, Ale or Beer House, to appear to answer such complaint, and thereupon it shall be lawful for such Mayor or Police Magistrate with any two of such Aldermen or Justices of the Peace, or for such Townreeve with any two of such Justices of the Peace, to investigate the same, and to dismiss the same with costs to be paid by the complainant, or to convict the said keeper of such Inn, Tavern, Ale or Beer House of having a riotous or disorderly house, and to abrogate the license for keeping the same, or to suspend the benefit of the same for any period not exceeding sixty days, with or without costs, as in their discretion may seem just;] and during the period of such suspension, such Inn or Tavern-keeper shall lose all the powers, privileges and protection that would otherwise have been afforded him by his said license.

Punishment on conviction.

Officers elected or appointed under this Act to take oath of Office.

SEC. CXXVII. And be it enacted, That each Township, Village, Town or City Councillor, and each Township, County, Village, Town or City Clerk, and each Justice of the Peace for any of the Towns aforesaid, and each Assessor and Collector, and each Returning Officer and Returning Officer's Clerk, and each Constable or other Officer, who shall be appointed under this Act, by any Municipal Corporation, shall, before entering on the duties of his office, take and subscribe an oath or affirmation to the effect following, that is to say:

The oath.

"I, A. B., do solemnly swear, (or affirm, *where the party is entitled to affirm instead of swear*;) that I will truly, faithfully and impartially, to "the best of my knowledge and ability, execute the office of (*inserting the name of the office*) to which I have been elected (*or appointed*) in "this Township, (County, &c.) and that I have not received and will "not receive any payment or reward, or promise of such for the exercise "of any partiality or malversation, or other undue execution [of the "said office, So help me God;"] and in default thereof shall forfeit the sum of Ten Pounds to the use of Her Majesty, Her Heirs and Successors, together with such costs of prosecution as shall be adjudged by the Court.]

CXLVI. And be it enacted, That at the instance of any Relator having an interest as a municipal voter in or for any Township or Village, or in or for any ward of any Township, Town or City, for which any election shall be held under the authority of this Act, or having such interest as a candidate at such election, a writ of summons in the nature of a *quo warranto* shall lie to try the validity of such election, and also where it shall be alleged by such Relator that himself or some other person was duly elected and ought to have been returned at such election, then to try as well the validity of the election complained against as the validity of the alleged election, of such Relator or other person, both which objects shall be embraced in the same writ, which writ shall issue out of either of Her Majesty's Superior Courts of Common Law at Toronto, upon an order of such Court in Term time, or upon the fiat of a Judge thereof in Vacation, upon such Relator shewing, upon affidavit to such Court or Judge, reasonable grounds for supposing that such election was not conducted according to law, or that the party elected or returned thereat, was not duly or legally elected or returned, and upon such Relator entering into a recognizance before the said Court or any Judge thereof, or before any Commissioner for taking bail in such Court, himself in the sum of fifty pounds, and two sureties, to be allowed as sufficient, upon affidavit, by such Court or Judge, in the sum of twenty-five pounds each, conditioned to prosecute with effect the writ to be issued upon such order or fiat, or to pay to the party against whom the same shall be brought his Executors or Administrators, all such costs as shall be adjudged to such party, against him the said Relator, thereupon such Writ shall be issued accordingly, and the said writ shall be returnable upon the eighth day (as on Friday where service shall have been made on the Thursday of the preceding week) after that on which it shall be served on such party by the delivery of a copy thereof to him personally or in the manner hereinafter provided for, before some one of the Judges of either of the said Courts at Chambers, which Judges shall have power—upon proof by affidavit of such personal or other service—and he is hereby required to proceed in a summary manner upon statement and answer, and without formal pleadings, to hear and determine the validity of the election complained against, and where the sufficiency or legality of such other election shall have been so alleged as aforesaid then the validity of such last mentioned election, and in case of such first mentioned election being adjudged invalid, and such last mentioned election being adjudged valid, then by a writ adapted to that purpose to cause the person returned upon such invalid election to be removed, and the person lawfully elected, and who ought to have been returned, to be admitted in his place, and in case of neither of such alleged elections being adjudged valid, then by a like writ to cause the person returned upon such invalid election to be removed, and a new election to be held to supply the vacancy thus created, in all which cases it shall and may be lawful for such Judge, if the facts in evidence before him render it proper so to do, to make the Returning Officer at such election a party to such proceedings by a writ of summons to be served upon him for that purpose in the same manner as the writ of summons hereinbefore mentioned. And it shall and may be lawful for such Judge, and he is hereby required in disposing of every such case, to award costs for or against the Relator or Defendant, upon such writ, or for or against the Returning Officer, when he shall be so made a party to such proceedings as aforesaid, as to such Judge shall seem just: Provided always, nevertheless, firstly, That all elections of Mayors, Wardens, Townreeves and Deputy Townreeves shall be deemed elections within the meaning of this section; And provided also, secondly, That whenever the grounds of objection against any such

Writ of Summons in nature of *quo warranto* to issue for the trial of controverted elections.

Security.

Return of Writ and proceedings thereon.

Costs.

election shall apply equally to all or any number of the members of any such Municipal Corporation, it shall and may be lawful for the Relator to proceed by one writ of summons against all such members; and in case of the elections of all the members of any such Municipal Corporation being adjudged invalid, the writ for the removal of the members so adjudged to have been illegally elected and returned, and the admission of those so adjudged to have been legally elected, shall be directed to the Sheriff of the County or Union of Counties within the limits of which the locality in or over which such Municipal Corporation shall be established, shall be situate, who for the purpose of causing an election to be held under the authority of this Act, shall have all the powers and authority hereby conferred upon Municipal Corporations for supplying such vacancies as are occasioned by death; And provided also, thirdly, That all such original writs of summons shall be applied for within six weeks after the election complained against, or within one month after the person whose election is questioned, shall have accepted the office, and not afterwards; And provided also, fourthly, That no costs shall be awarded against any person against whom any such writ of summons in the nature of a *quo warranto* shall be brought, who shall, within one week after having been served with such writ, transmit, postpaid, through the Post Office, directed to the Clerk of Judges Chambers, at Osgoode Hall, Toronto, a disclaimer of the office in the terms, or to the effect following, that is to say:

"I, A. B., upon whom a writ of summons, in the nature of a *quo warranto*, has been served for the purpose of contesting my right to the office of Township Councillor (or as the case may be) for the Township of _____ in the County of _____ (or as the case may be) do hereby disclaim the said office, and decline all defence of any right I may have to the same," unless it shall have been proved to the satisfaction of such Court or Judge, that such person had been a consenting party to being put in nomination as candidate for such election, in which latter case, such costs shall be in the discretion of such Court or Judge.

And provided also, Fifthly, That it shall be the duty of every such last mentioned person to deliver a duplicate of such disclaimer to the Clerk of the Municipal Corporation, the seat in which shall be contested, who shall forthwith communicate the same to the other members of such Municipal Corporation; and provided also, Sixthly, That in any such case it shall be lawful for the Judge, before whom such writ of summons is returnable, to afford reasonable time and opportunity for the said Municipal Corporation, or to any person entitled as a Municipal voter of such Corporation, to intervene and defend the said election and return, in every which case such intervening party shall be liable and entitled to costs as any other party to such proceeding.]

Sec. CLIII. And be it enacted, That it shall and may be lawful for [the Judges of Her Majesty's two Superior Courts of Common Law at Toronto, or the majority of them, by any rule or rules to be by them for that purpose made from time to time in Term time, as occasion may require, to settle the forms of all such Writs, whether of Summons, *Certiorari*, *Mandamus*, Execution, or of or for whatever other kind or purpose, as aforesaid,] and to regulate the practice respecting the suing out service and execution of such Writs, and the punishment of those guilty of contempt in disobeying the same, and also generally for the regulation of the practice, as well at Chambers as in Banc, in hearing and determining the validity of such elections as aforesaid, and the allowance of costs thereupon, and also from time to time by any new rule or rules to be made as aforesaid, to rescind, alter or amend such rule or rules, or make others in lieu thereof, in like manner as they are

Superior Courts
to settle forms of
Writs of Sum-
mons, practice,
costs, &c.

now by Law empowered to do for the regulation of the practice [of the Courts in matters within their ordinary jurisdiction.]

SEC. CLV. And be it enacted, That it shall be lawful and competent to and for any resident of any Township, Village, Town, City or County in Upper Canada aforesaid, in which any By-laws shall be passed, or for any other person having an interest in the provisions of such By-law, to apply by himself, or by his Attorney, for a certified copy of such By-law, and the Township, Town, Village, County or City Clerk shall, upon such application and upon payment to him of his fee therefor, within a reasonable time, furnish a copy of such By-law certified under his Hand and the Seal of the Municipal Corporation of which he is the Officer, [and either of Her Majesty's Superior Courts of Common Law at Toronto] may be moved, upon production of such copy, and upon affidavit that the same is the copy received from such Township, Town, Village, County or City Clerk, to quash such By-law; and if it shall appear to the said Court, that such By-law is in the whole or in part illegal, it shall and may be lawful upon proof of service of a rule upon the Corporation, to shew cause, within not less than eight days after such service, why such By-law should not be quashed in the whole or in part, to order such By-Law to be quashed in the whole or in part: and if it shall appear to the said Court that such By-law is legal, in the whole or in the part complained of, to award costs in favour of the Corporation, or otherwise against such Corporation; and that no action shall be sustained for or by reason of anything authorized to be done under any such By-law, unless such By-law or the part thereof under which the same shall be done, shall be quashed in manner aforesaid one calendar month previously to the bringing such action; and if such Corporation, or any person sued for acting under such By-law, shall cause amends to be tendered to the Plaintiff or his Attorney, and upon such tender being pleaded, no more than the amends tendered shall be recovered, it shall and may be lawful for the said Court to award no costs in favour of the Plaintiff, and to award costs in favour of the Defendant, and to adjudge that the same shall be deducted out of the amount of the verdict.

SEC. CLXII. And be it enacted, That in case any of the persons so declared to be elected, shall neglect or refuse to accept office, or to be sworn or affirmed into office, within the time in which the oath or affirmation of office is required to be taken, as hereinbefore provided, then the Head [of such Municipal Corporation for the preceding year, or in case of his absence or the vacancy of such office, then the Clerk of such Municipal Corporation; and in case of the like vacancy of such last mentioned office, any one of the members of such Municipal Corporation for the preceding year] shall forthwith by Warrant under his hand and seal, directed to the Returning Officer, require him to hold a new election to supply the place of such person, which such Returning Officer shall accordingly do within at least eight days after the receipt of such Warrant, and the person who shall be elected upon such Warrant shall be entitled and bound to be sworn or affirmed as Councillor, in the place of the person refusing office, or neglecting or refusing to be sworn or affirmed as aforesaid: Provided always nevertheless, that the necessity for such second election shall not prevent or interfere with the immediate organization of the Municipal Corporation for the year, or their proceeding to business as if such seat were not vacant.

SEC. CLXIII. And be it enacted, That all vacancies which may occur in any of such Municipal Corporations [by death, a judicial decision against the legality of any election, or otherwise however,] shall be filled by an election to be held under a Warrant directed to the Returning Officer under the hand and seal [of the head of such Municipal Corporation, or in case of his absence or the vacancy of such office, then under the hand and seal of the Clerk of such Municipal Corporation;

Parties interested may require of Town-Clerks, &c., copies of By-Laws, on paying a reasonable fee therefor.

Superior Courts may be moved to quash any By-law.

Proceedings thereon.

Provision as to actions for things done under By-laws.

Amends may be tendered.

If the person elected refuses to take office, a Warrant shall issue for a new election.

proviso: the Corporation may immediately proceed to business.

Vacancies in Municipal Corporations, how to be filled.

and in case of the like vacancy of such last mentioned office, then under the hand and seal of any one of the Members of such Municipal Corporation:] Provided always, that the person [so elected shall hold his seat in such Corporation by virtue of such election,] for the residue of the term for which his immediate predecessor was elected, and no longer.

Proviso as to terms of office. Provision in case of no election being held on an appointed day.

Appointment of Aldermen and Councillors.

SEC. CLXV. And be it enacted, That if in any year there shall be no election held in any Township, Village, Town or Ward, on the appointed day, or if a requisite number [of candidates shall not have been elected, then,] and in every such case, it shall and may be lawful for the members of the Municipal Corporation in which such default of members shall occur, or if none be elected, then, for the members of such Municipal Corporation for the next preceeding year, or the majority of them respectively, and they are hereby required to supply the deficiency by appointing the whole number of Aldermen and Councillors, when the whole number shall be deficient, from amongst the qualified freeholders and householders of the Township, Village, Town or City, or by appointing such a number of qualified freeholders and householders of such Township, Village, Town or City as will complete the full number of Aldermen and Councillors for the same, and the person so appointed shall be bound to accept office, and to be sworn in, under the same penalty as if elected.

Duties of Treasurers and Chamberlains.

SEC. CLXXII. And be it enacted, That it shall be the duty of each of such Treasurers and Chamberlains to receive and safely keep all moneys belonging to the County, City, Town, Township or Village for which he shall be appointed, and to pay out the same to such persons and in such manner as he shall be directed to do by any lawful order of the Municipal Corporation thereof, or by any law in force or to be in force in Upper Canada, and strictly to conform to and obey any such law or any By-law lawfully made by any such Municipal Corporation, and faithfully to perform [all such duties as may be assigned to him by any such law or By-law; Provided always, nevertheless, Firstly, That it shall moreover be the duty of every Township, Village and Town Treasurer, to receive from the Collector or Collectors of such Township, Village or Town, all moneys collected by such Collector or Collectors for or on account of the County Rates, and to pay the same over to the County Treasurer within such time as may be prescribed by any By-law of the Municipal Council of such County to be passed for that purpose: And provided also, Secondly, That the Municipal Corporation of such Township, Village or Town, shall be responsible to the Municipal Council of such County, for all such County Rates as shall or may be so paid to such Township, Village or Town Treasurer, who shall, together with his sureties, be responsible to such Municipal Corporation for the same as for moneys received by him on account of the Township, Village or Town Rates respectively: And provided also, Thirdly, That every such Township, Village or Town Treasurer shall keep an account in his books with the County Treasurer, and shall give receipts for all moneys received by him on account of the County, and receive from the Treasurer of such County receipts for all such moneys as he shall pay over to him on account of such County Rates; And provided also, Fourthly, That nothing herein contained shall in any way exonerate any such Collector from his liability or limit his liability to the Municipal Council of such County for any of the County Rates, whenever they shall choose to proceed against him instead of against the Corporation of such City, Village or Town (as the case may be) for the recovery thereof; And provided also, Fifthly, That for all County Rates so received and paid over to the County Treasurer, the Township, Village or Town Treasurer shall be entitled to receive and take to his own use a per centage of two and a half per cent. upon all such County Rates so received and paid over as aforesaid, and no more.]

SEC. CLXXXVII. And be it enacted, That it shall not be competent to the Municipality of any Township or to the Municipal Council of any County, to pass any By-law for stopping up any original allowance for Roads in any Township or County, [nor on the limits of any Village or Town, or City therein, or on the borders thereof: Provided always, nevertheless, Firstly, That it shall and may be lawful for the Municipality of any Township, within which any Police Village or any other Village or Hamlet consisting of not less than twenty dwelling houses, standing within an area of not more than two hundred acres, shall be situate, upon the petition of the Trustees of such Village in the case of a Police Village, and in other cases upon the petition of fifteen of the inhabitant Householdors of such Village or Hamlet, accompanied by a certificate from the Register of the County within which such Township shall lie, that a plan of such Village or Hamlet had been duly deposited in his office according to the then existing requirements of the Registry Laws in force in Upper Canada in that behalf, by any By-law to be passed by such Municipality for that purpose, to stop up, sell and convey or otherwise deal with any original allowance for Road that may lie within the limits of such Village or Hamlet, as the same shall be laid down on such plan, in the same manner as the Municipality of any Incorporated Village is empowered to stop up, sell, convey, or otherwise deal with any such original allowance for road within the limits of such Incorporated Village, but subject always nevertheless, to all and singular the directions, limitations and restrictions, and other the provisions in the one hundred and eighty-eighth section of this Act, contained respecting the same: Provided also, Secondly, That a Village or Hamlet situate partly within one Township and partly within another, whether such Township shall be within the same or different Counties, shall be a Village or Hamlet within the meaning of this section, and that in every such case the Municipality of each of such Townships shall have the powers hereby conferred as far as respects any original allowance for road, lying within that part of such Village or Hamlet, which according to such plan so deposited in the Registry Office or Registry Offices of such County or Counties shall be situate within the respective limits of such Townships.]

Corporations not to stop up original allowances for roads

SEC. CXCH. And be it enacted, That it shall not be lawful for any of such Municipal Corporations to make any By-law [for the opening, stopping up, altering,] widening or diverting any public highway, road, street or lane until they shall have caused at least one calendar month's notice to have been given by written or printed notices put up in the six most public places in the immediate neighbourhood of such highway, road, street or lane, nor until they shall have heard in person or by counsel or attorney, any person through whose land such highway, road, street or lane, or proposed highway, road, street or lane shall run, and who may claim to be so heard before them; Provided always, nevertheless, that nothing either in this section or in any other of the provisions of this Act shall extend or be construed to extend to give any power or authority whatsoever to any of the Municipal Corporations erected or to be erected under the authority of the same, to interfere in any way with any of the public roads or bridges in Upper Canada, which by Act of Parliament or otherwise, now are or hereafter may be vested in Her Majesty, or in any public department or board of Her Majesty's Provincial Government as a Provincial public work; with respect to all and every which Provincial public works whether roads or bridges, all and singular the powers by this Act conferred upon or vested in such Municipal Corporations, with respect to other roads and bridges within the limits of their respective jurisdictions, shall be and the same are hereby vested in and shall and may from time to time and at all times hereafter be exercised by the Governor of this Province in Council with respect to such Provincial public roads and bridges and every of them, by such orders in Council as shall or may from time to time be made for that purpose.

Corporation not to stop up Roads, &c., without one month's notice, &c.

Proviso: Corporations not to interfere with Roads, &c., vested in Her Majesty or any public department.

Powers of Governor in Council as to such Roads.

Provisions of this Act as to property qualification, when to take effect.

Who may vote or be elected in the meantime.

In incorporated Towns, &c.

In unincorporated Towns, &c.

Proviso as to places where a Registration of voters exists.

Proviso as to first elections.

Sec. CCVIII. And be it enacted, That no provision in the foregoing enactments of this Act which requires that any person be possessed of any property qualification, or be assessed for any particular amount in order to his having a right to vote or to be elected at any election to be held under the authority of this Act, shall have any force or effect, unless or until some Act be passed by the Parliament of this Province, in the present or some future session thereof to provide for the regulation of assessments, and the levying and collecting of local taxes in Upper Canada, and to repeal the general provisions of the Acts heretofore in force for that purpose, but all such persons as have heretofore had the right to vote [or to be elected respectively, at the annual Township elections for District Councillors, in] the several Townships in Upper Canada, shall have the right of voting and being elected for the Township and Village Councillors to be elected under this Act, and such persons as have heretofore had a right to vote or be elected at the Municipal Elections of any City, Town, or Village heretofore incorporated, or having a Board of Police established by law for the same, shall have the right of voting and being elected for the City, Town or Village, Aldermen and Councillors to be elected under this Act for such City, Town or Village respectively; and the persons entitled to vote or be elected at the Municipal Elections of every Town and Village not incorporated as aforesaid before the passing of this Act, shall be the resident male inhabitants, being either householders or freeholders of such Town or Village of the age of twenty-one years or upwards, being subjects of Her Majesty by birth or naturalization, and who shall have resided in such Town or Village for six calendar months next previous to the holding of the said election, and who shall have been rated on the Assessment Roll of the said Town or Village as householders or freeholders for the year previous to such election. [Provided always, nevertheless, Firstly, That the value of the property by the provisions of this section required as the qualification of a Township Councillor, shall be one hundred, instead of three hundred pounds, as heretofore required for District Councillors; and provided also, Secondly, That in the case of all Township Councillors, it shall be a sufficient qualification, if in lieu of such one hundred pounds of real property, they shall be seized or possessed of real and personal property, which shall, together, amount to two hundred pounds; and provided also, Thirdly, That in the case of all such Towns and Villages as are lastly above mentioned, every person to be elected a Councillor for any such Town or Village, shall be seized and possessed to his own use in fee, of lands and tenements within the County or Union of Counties in which such Town or Village shall be situate, or within some one or other of the Counties or Unions of Counties next adjoining such first mentioned County or Union of Counties, of the real value of one hundred pounds currency, over and above all charges and incumbrances due and payable upon or out of the same; and provided also, Fourthly, That in the Cities and Towns in which, at the passing of this Act, a provision exists for the registering of votes, the same shall continue and be in force until repealed, altered or amended by a By-Law of the Corporation of such City or Town; Provided also, Fifthly, That whether any such new Act for regulating Assessments in Upper Canada, shall or shall not be passed prior to this Act coming into force, the persons hereinbefore in this section described as entitled to elect and be elected under this Act, until such new Assessment Law shall have been passed as aforesaid, shall be those entitled to elect and be elected respectively; And provided also, Sixthly, That any Town, the Act of Incorporation of which had been disallowed or had expired before the first of January, in the year of our Lord one thousand eight hundred and fifty, shall be taken and held to be an incorporated Town within [this section,] at the first elections to be held under this Act.

ROADS ACT EXTENDED TO RAILROADS.

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ACT 13 & 14 VIC. CAP. 72.  
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An Act to amend and extend the provisions of an Act passed in the twelfth year of Her Majesty's Reign, intituled, "An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other Works in Upper Canada."

[10th August, 1850.]

WHEREAS it is expedient and desirable, with a view to the introduction of British capital and enterprise into this Province, to amend and extend the provisions of an Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other Works in Upper Canada*, and to adapt the same to Rail and Tram Roads, and to enlarge the same so as to enable Companies of Her Majesty's subjects formed in Great Britain or Ireland to take the benefit thereof: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the several powers and privileges in the said recited Act mentioned, as far as the same may be applicable, shall extend and be considered to apply to roads made of charcoal and to all Rail-roads or Tram Roads, whether the same shall be constructed of iron or wood or stone or partly of any of the said materials, and also to all companies formed or to be formed in Great Britain or Ireland, whether chartered, registered or otherwise legally constituted.

Preamble.

12 Vic. c. 84,
cited.

And extended to
rail and tram
roads, and to
companies in the
United Kingdom.

II. And be it enacted, That in any such Company, as shall or may be desirous of acting under the provisions of the said recited Act or this Act, the shares for the purposes of the said Acts, shall be of the same amount as those already mentioned in the charters, deeds of settlement or constitutions of any such Company, instead of the sum of five pounds in the said recited Act mentioned.

Amount of shares
in such compa-
nies.

III. And be enacted, That any such Company in Great Britain or Ireland, desirous of acting under the provisions of the said Acts, or either of them, shall appoint one or more Commissioners in Upper Canada, who shall have the same powers and privileges, and act in the same manner, as if such Commissioners were directors of such Company, duly elected, and acting under the provisions of the said Acts.

Commissioners
to be appointed.
in Upper Canada

IV. And be it enacted, That any one of such Commissioners shall be also considered as the presiding officer and Treasurer of such Company, for the purposes in the second and fourth sections of the said Act mentioned.

One to act as
president and
treasurer.

V. And be enacted, That any rail or tram road to be erected or made under the provisions of this Act, shall be subject to such supervision and control by the Governor and Council of this Province, as well as to rates of toll and charges, as to all other matters relating to such rail or tram road, as shall or may at any time be directed by any statute passed or to be passed for the general supervision and control of Rail-roads in this Province.

Rail or tram road
to be subject to
any general rail-
road Act.

Time for completing any rail-road, &c.

How suits may be brought against such companies.

VI. And be enacted, That for and notwithstanding any thing in the twenty-first section of the said recited Act, the time for completing any Rail or Tram road shall be extended to the period of five years.

VII. And be it enacted, That any suit, action or proceeding, for any cause of action arising under or out of the provisions of this Act, shall and may be brought against any such Company of Great Britain or Ireland by service of any process or proceeding upon any Commissioner of such a Company resident in Upper Canada.

ASSESSMENT ACTS REPEALED.

13 & 14 VIC. CAP. LXVI.

An Act to repeal the Acts and provisions of Law relative to Assessments and matters connected therewith in Upper Canada.

[10th August, 1850.]

Preamble.

WHEREAS it is expedient to repeal the several Acts and provisions of Law relating to assessments and local taxation, and to statute labour, in Upper Canada, to the end that more equal and just provisions may be made with regard to the matters aforesaid: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Act of the Parliament of Upper Canada, passed in the second Session held in the fifty-ninth year of the Reign of King George the Third, and intituled, *An Act to repeal the several Laws now in force relative to levying and collecting rates and assessments in this Province, and further to provide for the more equal and general assessment of lands and other rateable property throughout this Province*,—and the Act of the said Parliament, passed in the Session last aforesaid, and intituled, *An Act to repeal part of and amend the Laws now in force for laying out, amending and keeping in repair the Public Highways and Roads in this Province*,—and the Act of the said Parliament, passed in the second Session held in the fourth year of the Reign of King George the Fourth, and intituled, *An Act to amend and make perpetual an Act passed in the fifty-ninth year of His late Majesty's Reign, intituled, 'An Act to repeal part of and amend the Laws now in force for laying out, amending and keeping in repair the Public Highways and Roads in this Province,' and also to amend an Act passed in the fiftieth year of His late Majesty's Reign, intituled, 'An Act to provide for the laying out, amending and keeping in repair the Public Highways and Roads in this Province, and to repeal the Laws now in force for that purpose*,—and the Act of the said Parliament, passed in the Session last aforesaid, and intituled, *An Act to repeal part of and amend an Act passed in the fiftieth year of His late Majesty's Reign, intituled, 'An Act to provide for the laying out, amending and keeping in repair the Public Highways and Roads in this Province, and to repeal the Laws*

Certain Acts repealed.

Acts of U. C.,
59 G. 3, (sess. 2),
c. 7, assessments.

59 G. 3, (sess. 2),
c. 8, highways.

4 G. 4, (sess. 2),
c. 9, highways.

4 G. 4, (sess. 2),
c. 10, highways.

now in force for that purpose, and also to repeal part of and amend the provisions of an Act passed in the fifty-ninth year of His late Majesty's Reign, intituled, 'An Act to repeal part of and amend the Laws now in force for laying out, amending and keeping in repair the Public Highways and Roads in this Province,'—and the Act of the said Parliament, passed in the sixth year of the Reign last aforesaid, and intituled, *An Act to amend and make permanent a certain Act of the Parliament of this Province, passed in the fifty-ninth year of the Reign of His late Majesty King George the Third, intituled, 'An Act to repeal the several Laws now in force relative to levying and collecting rates and assessments in this Province, and further to provide for the more equal and general assessment of lands and other rateable property throughout this Province, and to render more effectual the several Laws of this Province imposing rates and assessments, by providing, under certain restrictions, for the levying such rates and assessments by the sale of a portion of the lands on which the same are charged*—and the Act of the said Parliament, passed in the ninth year of the Reign last aforesaid, and intituled, *An Act to amend the Assessment Laws of this Province,*—and the Act of the said Parliament, passed in the seventh year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to amend the Laws now in force regulating the sale of lands for arrear of taxes, and for other purposes therein mentioned,*—and the Act of the said Parliament, passed in the third year of Her Majesty's Reign, and intituled, *An Act to compel certain persons not assessed to perform Statute Labour,*—and the Act of the Parliament of this Province, passed in the eighth year of Her Majesty's Reign, and intituled, *An Act to provide more effectually for the collection of certain arrears of taxes on lands in the District of Wellington and other Districts, and better to define the limits of the said District of Wellington,*—and the Act of the said Parliament, passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to provide for an assessment of real and personal property in the Town of Brockville, according to the annual value or rental thereof, and for other purposes,*—and so much of the several Acts mentioned in the Schedules annexed to the Act of the said Parliament, passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to repeal the Acts in force in Upper Canada, relative to the establishment of Local and Municipal Authorities, and other matters of a like nature, as established, provide for or regulate the assessment or mode of assessment, or the property to be assessed, or any matter relating to the same, in any of the Cities or liberties thereof, Towns or Villages to which such Acts respectively refer,—and all Acts or parts of Acts, and all by-laws, rules and regulations of the Municipal Corporations of the Townships, Villages, Towns or Cities, or of the District or County Municipal Councils, or other local authorities in Upper Canada, imposing rates or assessments, or providing for the collection thereof,—and all Acts and parts of Acts inconsistent with this Act,—shall be and the same are hereby repealed, except in so far as the same or any of them repeal any former or other Acts, or parts of Acts, by-laws, rules or regulations, and except in so far as the same may affect any rates or taxes for the present year, or any rates or taxes which have accrued and are actually due, or any remedy for the enforcement or recovery of such rates or taxes not otherwise provided for by this Act.*

6 G. 4, c. 7,
assessments.

9 G. 4, c. 3,
assessments.

7 W. 4, c. 19,
assessments.

3 V. c. 10. Statute labour. Acts of Canada, 8 V. c. 22. Wellington district.

10 & 11 Vic. c. 44. Brockville.

Parts of 12 Vic. c. 80.

Other enactments.

Exception.

II. And be it enacted, That this Act shall commence and have force and effect upon, from and after the first day of January, one thousand eight hundred and fifty one, and not before.

Commencement of Act.

ASSESSMENT ACT.

ACT 13 & 14 VIC., CAP. 67.

An Act to establish a more equal and just system of Assessment in the several Townships, Villages, Towns and Cities in Upper Canada.

[10th August, 1850.]

Preamble.

WHEREAS by an Act passed during the present Session, the several Acts and parts of Acts regulating Assessments and the liability to statute labour, in Upper Canada, and all By-laws, Rules and Regulations of the several Municipal authorities in Upper Canada imposing Rates and Assessments, or providing for the collection thereof have been repealed, and it is expedient to provide a more equal and just system of Assessment for Municipal and local objects and purposes, in the several Townships, Villages, Towns and Cities in Upper Canada : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That for all purposes for which local and direct taxes are or shall be levied by authority of law, unless the same shall be otherwise specially provided for by law, all land and all such personal property as is hereinafter defined in Upper Canada, whether owned by individuals or copartners, or corporations, shall be liable to taxation, subject to the exemptions hereinafter specified; and the occupant of any land belonging to Her Majesty shall be liable to taxation for the land so occupied, but such land shall not be chargeable for the same.

What property is liable to taxation.

As to lands of the Crown.

Certain expressions interpreted.

II. And be it enacted, That the term "Land," as used in this Act, shall be held to include the land itself, all buildings and other things erected upon or affixed to the same, all trees and underwood growing thereupon, and all mines, minerals, quarries and fossils in and under the same, except mines belonging to Her Majesty, Her Heirs or Successors; and the terms "Real Estate," and "Real Property," whenever they occur in this Act, shall be construed as having the same meaning as the term "Land," thus defined.

Certain expressions interpreted.

III. And be it enacted, That the terms "Personal Estate" and "Personal Property," whenever they occur in this Act, shall be construed to include all such goods, chattels, and other property, as are enumerated in the Schedule A, hereunto annexed, and no other; and the term "Property" shall include both real property and personal property as above defined.

As to persons deriving income from certain sources.

IV. Provided always, and be it enacted, That no person deriving income from any trade, calling, office, or profession, exceeding the amount of Fifty Pounds per annum shall be assessed for a less sum as the amount of his net taxable personal property, than the amount derived from such income during the year then last past, but such last year's income shall be held to be his net taxable personal property,

unless he has other taxable personal property to an equal or greater amount.

V. And be it enacted, That the following property shall be exempt from taxation :

What property shall be exempt from taxation.

First.—All estate and property belonging to or vested in Her Majesty, Her Heirs and Successors, or held by Her Majesty in trust for or for the use of any tribe or body of Indians, or vested in any public body, officer, person or party in trust for Her Majesty, or for the public uses of the Province, save as hereinbefore provided as to any private occupant of such property.

Secondly.—Every place of worship,—every church-yard or burying-ground,—the real estate of every university,—college,—incorporated Grammar School or other seminary of learning, actually used and occupied by it, but not if occupied by others or unoccupied,—every public School-House,—Town or City Hall,—every Court House and Gaol, House of Correction and Lock-up House, and the land attached thereto,—every Public Hospital with the land attached thereto, or on which the same are erected, and the personal property belonging to each of them,—every Public Road and Way, or Public Square, and the property belonging to any Township, Village, Town, City or County, if occupied for the purposes thereof, or unoccupied :

Thirdly.—The Provincial Penitentiary and the land attached thereto :

Fourthly.—Every Industrial Farm, Poor House, Alms-House, House of Industry or Lunatic Asylum, and every house belonging to a company for the reformation of offenders, and the real and personal property belonging to or connected with the same :

Fifthly.—The property of every Public Library.

VI. And be it enacted, That all taxes to be levied under this Act or the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to provide by one General Law for the erection of Municipal Corporations, and the Establishment of Regulations of Police, in and for the several Counties, Cities, Towns, Townships and Villages in Upper Canada*, or under any other Act past or to be passed whereby any local or direct taxes have been or shall be authorized to be levied, and when no other express provision shall be made in this respect, shall be levied upon the whole taxable real and personal property of the locality to be taxed, in proportion to the assessed value thereof, and not upon any one or more kinds or species of property in particular.

Local taxes to be levied on property generally, and not on any kind in particular.

VII. And be it enacted, That all lands shall be assessed in the Township, Village, or Ward in which they lie, and in the name of and against the owner thereof, if known, and if he resides or has a legal domicile, when the assessment shall be made, within such Township, Village or Ward, or the Town or City in which it is included, and if such lands be occupied by such owner or wholly unoccupied ; but if the owner be not so resident or be unknown, and the land be occupied, it shall be assessed in the name of and against the occupant ; and occupied land owned by a party residing or having a legal domicile in the Township, Village, Town or City where the same is situate, but occupied by another party, may be assessed in the name of and against the owner or the occupant (inserting the names of both in the Roll with the word "or" between them, and notifying both in the manner hereinafter provided ;) and the taxes thereon may be recovered from either or from any future owner or occupant, saving his recourse against any other party ; and if any land be owned or occupied by more than one party, then any one or more of them may be deemed the owner or owners, occupant or occupants, and shall be liable accordingly, saving his or their recourse against the others : and any occupant may deduct from his rent any taxes he may have paid, if the same could also have been recovered from the owner,

In what places real property shall be assessed, and against whom.

As to joint owners or occupants.

Remedy of occupant paying taxes.

unless there be a special agreement between the occupant and the owner to the contrary.

What shall be deemed lands of non-residents.

VIII. And be it enacted, That unoccupied lands not known to be owned by any party resident or having a legal domicile in the Township, Village, Town or City where the same are situate, or belonging to any party whose residence or domicile, upon diligent enquiry by any Assessor of such Township, Village, Town or City, shall not be found therein, shall be denominated "Lands of non-residents," and shall be assessed as hereinafter provided.

Where personal property shall be assessed and against whom.

IX. And be it enacted, That every party shall be assessed in the Township, Village or Ward where he actually resides when the assessment is made, for all taxable personal property situate therein owned by him, including all taxable personal property in his possession or under his sole controul as trustee, guardian, executor or administrator; and in no case shall property so held be assessed against any other party, and if it be owned or possessed by or under the controul of more than one party, each shall be assessed for his share, or if they hold in a representative character, then each shall be assessed for an equal portion.

Taxable year to correspond with the natural year.

X. And be it enacted, That all taxes which have been or which shall be levied or assessed in Upper Canada during the present year, shall be held and taken to be the taxes for the year ending the thirty-first day of December, one thousand eight hundred and fifty; and thereafter the taxes levied or assessed for any year, shall in all cases be considered and taken to have been imposed for the then current year, commencing with the first day of January, and ending with the thirty-first day of December, unless otherwise expressly provided for by the enactment or by-law under which the same is imposed or authorised or directed to be levied.

Taxes in townships and counties to be by estimate.

XI. And be it enacted, That the sums which shall be required by law, or by any by-law of any Township or County, for any lawful purpose, shall and may be taxed, rated and raised upon estimate of the amount required for any such lawful purpose for each year in which such tax is to be levied; but in Cities and incorporated Towns or Villages, the taxes shall be imposed by by-laws declaring the yearly rate in the pound to be levied on the yearly value of all taxable property, and the yearly value of taxable personal property shall be held to be six per cent. on the assessed actual value thereof.

As to any surplus or deficit in the amount raised for any purpose.

XII. And be it enacted, That whenever the amount of taxes which shall be assessed in any Township or County, incorporated Village, Town or City, for any purpose, shall exceed the charges for such purpose, the overplus shall remain at the credit of such Township or County, Village, Town or City, and shall go to the reduction of the tax for the same purpose for the succeeding year, or if such purpose shall have been accomplished then to the reduction of such other tax as the Municipality, or Council of such Township or County, Village, Town or City shall think fit to direct; and if the amount of taxes which shall be so assessed for any purpose, shall be less than the charges for such purpose, such deficiency shall go in increase of the tax for such purpose in the succeeding year; but in Cities and incorporated Towns or Villages, the amount assessed and levied shall form part of the general funds at the disposal of the Corporation, unless otherwise specially appropriated.

In cities or incorporated towns or villages.

What shall be deemed the yearly value of lands, &c.

XIII. And be it enacted, That the yearly value aforesaid of real property in Cities or incorporated Towns or Villages, shall be the real rack-rent or full yearly value thereof, to be ascertained by the assessors in the manner hereinafter provided, for each separate tenement; except

Exception.

that if more than one-fourth of an acre of land be attached to any house or building forming a separate tenement, the overplus shall be held to be vacant ground, the full actual value whereof shall be estimated by the assessors, and the yearly interest on such value at six per cent., per annum, shall be deemed its yearly value.

XIV. And be it enacted, That for and notwithstanding any thing in the Act last above cited, or in any Act or Law to the contrary, the number of assessors or collectors to be appointed in and for any City, Town, Village or Township, shall be one or more, in the discretion of the Municipality or Council thereof; and such Municipality or Council may in their discretion appoint the same assessor or collector to act in and for any number of wards or for the whole of any City or Town.

Number of assessors or collectors how fixed.

XV. And be it enacted, That the Municipal Council of any Township, City, Town or Village, may, if they deem it expedient, divide the same into convenient assessment districts, and may assign the assessment district or districts within which each assessor shall act, and may prescribe such regulations for governing the assessors in the performance of their duties as shall not be inconsistent with this Act, or with any law in force in Upper Canada.

Locality may be divided into assessment Districts, &c.

XVI. And be it enacted, That between the First day of February and the First day of April, in each year, the assessor or assessors for each Township, Village or Ward, shall proceed to ascertain by diligent enquiry, the names of all the taxable inhabitants and parties in their respective Townships, Villages and Wards, and also all the taxable property within the same, and its extent, amount and value.

When the assessors shall make out their rolls.

XVII. And be it enacted, That the assessor or assessors for each Township, Village and Ward, shall prepare an Assessment Roll, in which shall be set down in separate columns, and according to the best information in their power, the names of all taxable parties in the Township, Village or Ward, with the extent or amount of property assessable against each, and containing the particulars mentioned in the Schedule B, for each of the items whereof the Assessment Roll shall contain a separate column.

Form of assessment rolls, and their contents.

XVIII. And be it enacted, That it shall be the duty of each party assessable in any Township, Village or Ward, if required by the assessor or by one of the assessors, if there be more than one, to deliver to such assessor a statement in writing signed by such party (or his Agent, if such party be absent) and containing all the particulars respecting the property or income assessable against such party which are required in the Assessment Roll; and such statement shall be declared to by such party or his Agent before the assessor; or, if there be more than one assessor, before any one of them, in the following form:

Statement to be furnished to assessors by parties assessable.

"I, A. B., do solemnly declare that the foregoing statement contains a full and true account of all taxable property and income assessable against me (or against C. D.) in the Township, (Village or Ward of) and that the amount or values (or yearly values) therein assigned to the same, are the full and true amount and value (or yearly value) thereof, to the best of my knowledge and belief; (and if the declaration be made by an Agent, add: and that I have the means of knowing and do know the extent and value of the property assessable against the said)":

And any wilfully false statement in any such declaration, shall be a misdemeanour punishable as perjury; and if any such assessable party shall fail to deliver such statement and declaration to the Assessor or one of the Assessors when thereunto required, such person shall thereby forfeit to the Municipal Corporation of the Village, Town, City or Town-

False statement to be punishable as perjury.

Proviso.

ship, the sum of Five Pounds currency, to be recovered as a debt due to such Municipal Corporation in any way in which debts due to it can be recovered: Provided that no such statement shall bind the Assessor or Assessors further than they shall from their personal knowledge, believe the same to be correct, nor shall it excuse them from making due inquiry whereby to ascertain whether it is or is not correct.

As to persons assessed in a representative character.

XIX. And be it enacted, That when a person shall be assessed as Trustee, Guardian, Executor or Administrator, he shall be assessed as such with the addition to his name of his representative character, and such assessment shall be carried out in a separate line from his individual assessment, and he shall be assessed for the value of the real estate held by him, whether in his individual name or in conjunction with others in such representative character, at the full value thereof, and for the taxable personal property held by him in such character, at the full value thereof, or for the proper proportion thereof, if others, resident within the same Municipality, be joined with him in such representative character.

How lands of non-residents shall be entered in the rolls.

XX. And be it enacted, That the lands of non-residents shall be designated in the same Assessment Roll, but in a part separate from the other assessments, headed "Non-residents' Land Assessments," and in the manner following, that is to say:

If the land to be assessed be a tract not known to be sub-divided into lots, it shall be designated by its boundaries or other intelligible description:

If it be a tract which is known to be sub-divided into lots, or be part of a tract known to be so sub-divided, the Assessors shall proceed as follows:

They shall designate the whole tract in the manner above prescribed with regard to undivided tracts:

If they can obtain correct information of the sub-divisions, they shall put down in their assessment rolls, and in a first column, all the unoccupied lots owned by non-residents, by their numbers and names alone and without the names of the owners, beginning at the lowest number and proceeding in numerical order to the highest: in a second column, and opposite to the number of each lot, they shall set down the quantity of land therein liable to taxation; in a third column and opposite to the quantity, they shall set down the value of such quantity, and if such quantity be a full lot, it shall be sufficiently designated as such by its name or number as aforesaid, but if it be part of a lot, the part shall be designated by boundaries, or in some other way by which it may be known.

Assessed value to be the full value.

XXI. And be it enacted, That all real and personal property liable to taxation shall be estimated by the Assessors at its full value, (or full yearly value, as the case may be) as they would appraise the same in payment of a just debt due from a solvent debtor.

Tax instead of statute labour in cities and towns, &c.

XXII. And be it enacted, That every male inhabitant of any City, incorporated Town or Village, of the age of twenty-one or upwards, and not over sixty, not otherwise assessed, and not now exempted by law from performing statute labour, shall instead of such labour be taxed ten shillings yearly, to be levied and collected in the same manner as other local taxes, to the use of the corporation of the place; and the Assessors shall return on their Rolls a list of the persons liable under this section, and shall give them like notice with other parties assessed; and the Clerk of the Corporation shall enter their names and the sum for which they are taxable, on the Collection Rolls, and the Collectors shall collect and pay over the same in like manner as other taxes: And

that every male inhabitant of any Township between the ages aforesaid and not otherwise assessed, shall be liable to two days of statute labour on the Roads and Highways in such Township; and every party assessed upon the assessment Roll of any Township shall, if the property of such party be assessed—

Statute labour in townships.
Parties not assessed.
Parties assessed.

At not more than Fifty Pounds, be liable to two days of labour;

At more than Fifty Pounds, but not more than One Hundred Pounds, to three days labour;

At more than One Hundred Pounds, but not more than One Hundred and Fifty Pounds, to four days labour;

At more than One Hundred and Fifty Pounds, but not more than Two Hundred Pounds, to five days labour;

At more than Two Hundred Pounds, but not more than Three Hundred Pounds, to six days labour;

At more than Three Hundred Pounds, but not more than Four Hundred Pounds, to seven days labour;

At more than Four Hundred Pounds, but not more than Five Hundred Pounds, to eight days labour;

At more than Five Hundred Pounds, but not more than Six Hundred Pounds, to nine days labour;

At more than Six Hundred Pounds, but not more than Eight Hundred Pounds, to ten days labour;

At more than Eight Hundred Pounds, but not more than One Thousand Pounds, to twelve days labour;

And for every Two Hundred Pounds above the sum of One Thousand Pounds, to one days labour, unless the Municipality of such Township shall have directed by By-law that a sum of money be paid in commutation of such labour, in which case all the provisions of this section, as to the said tax of ten shillings, shall apply to the commutation money to be paid under such By-law: Provided always, firstly, that the Municipality of any City, Town, Village or Township, may, by By-law to operate generally and rateably, reduce, and at their discretion increase the number of days labour to which any such party rated on the assessment Roll, or otherwise, shall be liable under this Act: Provided, secondly, that in case no distress, sufficient to satisfy the said sum of ten shillings and the expense of issuing any warrant of distress, shall be found, it shall and may be lawful for the head of any such Municipal Corporations before whom complaint shall be made, to commit the offender to the Common Gaol of the County for any time not exceeding six days, unless such sum and costs shall be sooner paid.

Commutation.

Proviso: statute labour may be reduced by by-law.

Proviso: if no distress can be found.

XXIII. And be it enacted, That the statute labour mentioned in the next preceding section shall, as against non-residents, be and is hereby commuted for the sum of two shillings and six pence currency for each day's labour, and the sum to which such statute labour shall amount at the said rate, shall be added to the taxes payable by such non-residents respectively, and collected as other taxes under this Act.

As to statute labour performable by non-residents.

XXIV. And be it enacted, That the Assessors shall complete their Assessment Rolls on or before such day in every year as the Council or Municipality of the City, Town, Village or Township shall appoint.

Time for completing assessment rolls.

XXV. And be it enacted, That the Assessors shall also immediately after the completion of their Roll, leave for every party named thereon and resident or domiciled within the City, Town or Village or Township, a notice of the actual or yearly value at which his real property and of the sum at which his taxable personal property shall have been assessed by them.

Notice to parties assessed.

XXVI. And be it enacted, That immediately after the completion of their Rolls, the Assessor, or if there be more than one, the Assessors, or

Rolls to be certified by assessors.

a majority of them, shall sign the Assessment Roll, first attaching thereto a certificate signed by them, in the following form :

Form of certificate.

"I do (or we do severally) certify, that I (or we) have set down in "the above Assessment Roll, all the real property liable to taxation, "situate in the Township, Village or Ward of " (as the case may be) and the true actual (or yearly) value thereof in "each case, according to the best of my (or our) information and "judgment: and also that the said Assessment Roll contains a true "statement of the aggregate amount of the taxable personal property of "every party named in the said Roll; and that I (or we) have esti- "mated the same according to the best of my (or our) information and "belief."

Certified roll to be delivered to the clerk.

XXVII. And be it enacted, That the Roll thus certified shall, on or before such day as the Council of the City, Town, Village or Township shall appoint, be delivered by the assessor or assessors to the Clerk of the Township, (Village, Town or City as the case may be,) who shall lay the Roll before the Court of Revision hereinafter mentioned.

Appeal given to parties deeming themselves aggrieved, and court for trying it appointed.

XXVIII. And be it enacted, That in case any party shall deem himself overcharged by the assessor or assessors in his or their Roll, he or his Agent may, within six days after the notice aforesaid shall have been left for him as aforesaid, or if he be a non-resident, then within six days after the Roll shall have been returned to the Clerk, notify the Clerk of the City, Town, Village or Township, in writing, of such overcharge, and the complaint shall be tried by a Court of five Members of the City, Town, Village or Township Municipality or Council, to be appointed by such Municipality or Council, and at such time as the said Court shall appoint, reasonable notice of such time being given to the complainant and to the assessor or assessors who made the Roll; and the Court after hearing the complainant and the assessor or assessors and any witness adduced by either of them, upon oath, or without hearing either of them who shall fail to appear, shall finally determine the matter and affirm or amend the Roll accordingly; and any three or more Members of the Court shall be a *quorum*, and any majority of a *quorum* may decide all questions before the Court; and if any two Members of the Municipality or Council (whether Members of the said Court or not) shall think that any party has been assessed too low, the Clerk shall, on their request in writing, give reasonable notice to such party and to the assessor or assessors, of the time when the matter will be tried by the said Court, or if such party be a non-resident, shall insert such notice in some newspaper published in the City, Town, Village or Township, or if there be none, then in one published at the nearest place in the County, giving in such notice either the name of the party or a general description of the property if the name be not on the Roll, and inserting any number of such names or descriptions in the same advertisement; and the matter shall be decided in the same manner as complaints by a party assessed; and the Roll as finally passed by the said Court and certified by the Clerk as so passed, shall be valid and shall bind all parties concerned, notwithstanding any defect or error committed in or with regard to such Roll: Provided always that reasonable notice under this section, shall be understood to mean a notice in writing from the Clerk of the Corporation, to be left at the residence of the party to whom it is addressed, if known and within the limits of the Municipality; or if not so resident, then with any grown person on the premises assessed, or where any of the personal property assessed shall be, or addressed to such party through the Post Office, such notice being so served, or posted, at least three days before the time when the matter is to be tried by the said Court.

• Evidence.

Quorum.

If any party has been assessed too low.

Roll finally certified to be binding.

Provido: as to notice.

XXIX. And be it enacted, That the said Court shall also have power to receive and decide upon any petition from any party assessed, for any tenement which shall have remained vacant during more than three calendar months, in the year for which the assessment was made, or from any party who from sickness or extreme poverty shall declare himself unable to pay his taxes, or who by reason of any gross and manifest error in the Roll as finally passed by the Court, shall have been overcharged more than twenty-five per cent. on the sum he ought to have been charged, and to remit or reduce the taxes due by any such party, or to reject such petition, as to them shall seem meet and right, unless some By-law shall be in force to govern them in this behalf, in which case they shall decide in accordance with such By-law: and the Council or Municipality of any City, Town, Village or Township, is hereby empowered to make such By-laws and to repeal or amend the same from time to time.

Court may make reductions in certain cases of hardship.

XXX. And be it enacted, That the said Court shall have full power to meet and adjourn from time to time at pleasure, and the Court or any Member thereof may administer an oath to any party or witness, or may issue summons to any witness to attend such Court; and if any witness so summoned shall fail to attend, (being tendered compensation for his time at the rate of Two Shillings and Six Pence a day), he shall incur a penalty of Five Pounds, to be recovered with costs by and to the use of the Corporation of the City, Town, Village or Township, in any way in which penalties incurred under any By-law thereof may be recovered; and the Clerk of the Corporation shall be the Clerk of the said Court.

Certain powers vested in the Court.

XXXI. And be it enacted, That in every case in which any sum is to be levied for County purposes, the Municipal Council of the County shall by By-law direct what portion of such sum shall be levied in each Township or incorporated Town or Village in such County; and it shall be the duty of the County Clerk before the First day of August in each year to certify to the Clerk of each Township, or incorporated Town or Village in his County, the total amount which shall have been so directed to be levied therein in the then current year for County purposes; and for the guidance of such Municipal Council, the Clerk of each incorporated Town, Village or Township shall forthwith after the final revision of the Assessment Rolls for the same transmit to the County Clerk a statement of the aggregate value or yearly value, (as the case may be) of all the taxable real property, and of the amount of all taxable personal property on such Rolls respectively, as finally revised and passed; but the failure to transmit any such Roll shall not affect the validity of any By-law of such County Municipal Council.

In taxes for county purposes, the sum payable by each township &c., to be fixed by By-law.

County Council to have copies of assessment rolls for their guidance.

Proviso.

XXXII. And be it enacted, That it shall be the duty of the Clerk of the City, Town, Village or Township to make out a Collector's Roll for the Township or Village, or for each Ward in the City or Town, as the case may be, on which shall be set down: the name of each party assessed,—the correct assessed value of the real property of each party,—and the amount of personal property for which such party is taxable, as the valuation on such roll may in any case be affected by any such revision as aforesaid; and he shall also set down on the same roll the true valuation of the lands of non-residents, opposite to the respective lots, part-lots or parcels of land, and as the same may be affected by such revision or equalization: and he shall also calculate and set down the amount for which each party, or each lot or piece of land of a non-resident is chargeable, for any sum or sums ordered to be levied by the Municipal Council of the County for County purposes, under the head

Clerks to make out collector's rolls; their form and contents.

of "County Rate," the aggregate of which column shall be the whole sum for which the Township, Village or Ward, shall be taxed for County purposes; and he shall also calculate and set down on the Roll, in a separate column, opposite to the names and lots therein, the amount with which each party or lot is chargeable for any sum or sums ordered to be levied by the Township, Village, Town or City, Municipality or Council for Township, Village, Town or City purposes, or for commutation of statute labour, the aggregate of which column shall be the whole sum to be levied for such Township, Village, Town or City purposes, and which column shall be headed "Township Rate," "Village Rate," "City Rate," or "Town Rate," as the case may be.

Duty of collectors on receiving their rolls.

Proviso: taxes on lands of non-residents may be paid to county-treasurer.

Account to be kept by him, &c., and moneys received to be paid over.

Treasurer to be furnished with extract from rolls.

Taxes how levied if not paid, and on what goods.

Notice and manner of sale.

Surplus how dealt with.

XXXIII. And be it enacted, That every Collector upon receiving his Collection Roll, shall proceed to collect the taxes, therein mentioned, and for that purpose shall call at least once on the party taxed, or at the place of his usual residence or domicile, if within the Township, Village, Town or City, in which such Collector has been appointed, and shall demand payment of the taxes charged on the property of such party: Provided always, that the taxes upon lands of non-residents in any Township in any County, may be paid to the County Treasurer, who, on being thereunto required, shall receive the same and give a receipt therefor, specifying the amount paid, the period for which it is paid, the lot or parcel of land upon which it is paid, and the Concession and Township in which such land lies, and the date of payment: but the party making such payment to the County Treasurer shall also pay him therewith a sum equal to five per cent. on the taxes so paid, which shall be the remuneration of such County Treasurer for his trouble: And such County Treasurer shall keep an exact account of all sums so received by him, and shall pay over the same to the Treasurer of the Townships, Towns or Villages to which they shall respectively belong, before the fourteenth day of December in each year; in default whereof he may be compelled to pay over the same in the manner hereinafter provided; and on paying over such sums, he shall deliver to the Treasurer to whom they are to be paid, an account, shewing, with respect to such sums respectively, the particulars above required in the receipt given to the party paying them, and for the purpose of this Section, it shall be the duty of the Clerk making out any Collector's Roll, to forward immediately to the County Treasurer a copy of so much of the said Roll as shall relate to taxes on the lands of non-residents.

XXXIV. And be it enacted, That in case any party shall refuse or neglect to pay the taxes imposed upon him, for the space of fourteen days after such demand made as aforesaid, the Collector shall levy the same with costs, by distress and sale of the goods and chattels of the party who ought to pay the same, or of any goods or chattels in his possession, where ever the same may be found within the Township, Village, Town or City in which he is the Collector; and no claim of property, lien or privilege thereupon or thereto, shall be available to prevent the sale, or the payment of the taxes and costs out of the proceeds thereof.

XXXV. And be it enacted, That the Collector shall give public notice of the day of sale and of the name of the party whose property is to be sold, at least six days previous to the sale, by advertisement to be posted up in at least three public places in the Township, Village or Ward wherein such sale shall be made; and the sale shall be made by public auction.

XXXVI. And be it enacted, That if the property distrained shall be sold for more than the whole amount of the taxes and costs, the surplus shall be returned to the party in whose possession such property was

when the distress was made, if no claim to such surplus shall be made by any other party, on the ground that the property sold belonged to him, or that he is entitled by lien or privilege to such surplus; and if any such claim be made and be admitted by the party for whose taxes the same was distrained, the surplus shall be paid to such owner; but if such claim be contested, the surplus money shall be paid over by the Collector to the Township, Village, or Town Treasurer, or City Chamberlain, who shall retain the same until the respective rights of the parties shall be determined by action at law or otherwise.

XXXVII. And be it enacted, That if any party against whom any tax now is or hereafter shall be assessed in any Township, Village, Town or City, shall have removed out of the same after such assessment, and before such tax shall have been collected, or if any party shall neglect or refuse to pay any tax which now is or hereafter shall be assessed in any Township, Village, Town or City, within the County in which he shall reside, and payable by him, it shall be lawful for the Collector of such Township, Village, Town or City, to levy and collect such tax with costs, by distress and sale of the goods and chattels of the party aforesaid, in any Township, Village, Town or City, which for judicial purposes shall be within the same County, and to which such party shall have so removed, or in which he shall reside, or of any goods or chattels in his possession therein: and if in any case the taxes payable by any party cannot be recovered in any special manner provided by this Act, they may be recovered, with interest and costs, as a debt due to the City, Town, Township or Village in any competent Court in this Province; and the production of a copy of so much of the Collector's Roll as shall relate to the taxes so payable by such party, purporting to be certified as a true copy by the Clerk of such City, Town, Township or Village, shall be *prima facie* evidence of the debt: and the taxes accrued or to accrue on any land shall be a special lien on such land, having preference over any claim, lien, privilege or incumbrance of any party except the Crown, and shall not require registration to preserve it, and shall bear interest from the time they become due, which interest shall be deemed part of such taxes: Provided always, that out of the amount recovered in any such suit, the Treasurer of the Town, Township or Village shall pay over to the Treasurer of the County, the portion (if any) appertaining to the County.

Powers of collector where parties have removed.

Taxes how recoverable when the special means shall be insufficient.

To be privileged lien on land.

Provided.

XXXVIII. And be it enacted, That the Collector shall receive the tax on any lot, piece or parcel of land separately assessed, although the taxes on others assessed against the same party be not paid, or upon any undivided part of any such lot, piece or parcel of land: provided the person paying such tax shall furnish, in writing, a statement of such undivided part, shewing also who is the owner thereof; and if the tax on the remainder of such lot, piece or parcel of land shall remain unpaid, the Collector shall enter the substance of such statement in his return to the proper Treasurer or City Chamberlain, to the end that the part on which the tax remains unpaid may be clearly known, so that such undivided part may be excepted in case of the sale of the remainder.

Collector may receive taxes on undivided portions of lands, &c.

Entry in such case.

XXXIX. And be it enacted, That the Commissioner of Crown Lands shall, within thirty days after the first day of January, of each and every year, after the passing of this Act, transmit to each and every County Treasurer, a list of all the lands granted or leased during the preceding year, to the end that the said Treasurers may, and they are hereby required to furnish each Township Clerk with a list of all the lands in the Township for which he is Clerk, that have been granted or leased during the said term.

List of certain lands to be transmitted yearly by commissioner of crown lands to county treasurers.

XL. And be it enacted, That it shall be the duty of the Collector to

Collectors to re-

ceive taxes on
lands of non-
residents.

Time for return
of collector's
rolls.

Accounts to be
rendered by col-
lectors on oath.

Treasurer, or
Chamberlain to
have a copy of
roll as to lands of
non-residents.

And enter taxes
paid.

Duty of Treas-
urer or Cham-
berlain as to such
lands on which
taxes are not
paid.

Proviso: where
the owner of any
lands cannot be
found.

receive taxes upon the lands of non-residents if tendered to him within the time of his collection.

XXI. And be it enacted, That on or before the fourteenth day of December, in each year, or on such other day in each year as the Municipal Council of the County shall have appointed, it shall be the duty of each Collector to return his Collector's Roll to the Treasurer of the Township, Village or Town, or City Chamberlain, and to pay over the amount payable to such Treasurer or Chamberlain.

XLII. And be it enacted, That if any of the taxes mentioned in the Collector's Roll shall remain unpaid, and the Collector shall not be able to collect the same, he shall deliver to the Township, Village or Town Treasurer, and to the County Treasurer (or to the City Chamberlain, if the account relate to a City) an account of all the taxes remaining due on the said Roll; and in such account the Collector shall shew, opposite to each separate assessment, the reason why he could not collect the same, by inserting in each case the words "non-resident" or "no property to distrain" as the case may be, and upon making oath before the Treasurer or Chamberlain that the sums mentioned in such account remain unpaid, and that he has not upon diligent enquiry been able to discover any goods or chattels belonging to or in the possession of the parties charged with or liable to pay such sums, whereon he could levy the same, he shall be credited with the amount thereof, and the said account shall be sufficient authority to the County Treasurer or City Chamberlain to proceed to sell the lands on which such taxes remain unpaid in the manner hereinafter provided.

XLIII. And be it enacted, That it shall be the duty of the proper Clerk, previously to the delivery of the Collector's Rolls by him to the several Collectors, to furnish the Treasurer of the Township, Village, or Town, or the Chamberlain of the City, with a correct copy of each Roll so far as the same relates to the lands of non-residents; and such Treasurer or Chamberlain shall enter the same in a book to be kept by him for that purpose, together with the taxes charged upon such lands.

XLIV. And be it enacted, That upon the return of the Collector's Rolls to the said Treasurer or Chamberlain, he shall enter in the said book any taxes which may have been charged upon such lands by the Municipal Council of the County, in which the land is situate, and he shall also enter in the said book the taxes which shall appear to have been received on such lands by the Collector.

XLV. And be it enacted, That it shall be the duty of the said County Treasurer or Chamberlain to prepare a list of such lands in each Township, Village, Town, or City upon which any taxes shall remain due at the time of the Collector making his return, distinguishing in separate columns, and opposite the lots or parcels of land respectively, the amounts due for County Rates, and the amounts due for Township, Village, Town or City Rates, and it shall be the duty of such County Treasurer or Chamberlain, within one month after the receipt of such Collector's Roll, to address a circular letter through the Post to the owners of the several lots or part-lots of land respectively, on which taxes are still due, stating the amount due, and calling upon such owners respectively for payment thereof. Provided always, that in any case where the County Treasurer or Chamberlain shall not be able to satisfy himself who the owner of any land in the said list is, or where he resides, it shall be the duty of such Treasurer or Chamberlain to publish in the *Government Official Gazette* of the Province, a list of such lands, setting forth the total amount due on each, and calling on the owners for payment, charging the expenses of publication against the lands in question in proportion to the amount due on them respectively;

and such expenses shall be levied on such lands with the taxes due on them, and with the same advantage of privileged lien.

XLVI. And be it enacted, That the Treasurers of the several Counties in Upper Canada, shall on or before the first day of January, one thousand eight hundred and fifty-one, make out and submit to the Municipal Council of the County, a true list of the lands in their Counties respectively, or in any Cities or the liberties thereof, lying within the limits or on the borders of such County on which any taxes shall then remain unpaid, stating the number of acres in each lot or part-lot, describing the same as hereinbefore prescribed with regard to such lands, the number of years for which it is in arrears for taxes, and the amount of taxes due on each lot or part-lot respectively, both for taxes chargeable under the Wild Land Assessment Law, and for assessments lawfully imposed under By-laws of the Municipal Councils, together with the names of the owners respectively, as far as such Treasurers may be enabled to ascertain the same; and the said arrears shall be certified to the Clerk of the proper locality by the County Clerk, and shall be added to the Assessment Roll for the year one thousand eight hundred and fifty-one, and collected in like manner, and the proper proportions of the moneys so collected shall be accounted for and paid over to the Treasurers of the several Municipalities for the purposes for which they were originally imposed.

Duty of treasurers of counties as to lands on which taxes remain due on 1st January, 1851.

And of the county clerks, such arrears to be added to assessment rolls.

XLVII. And be it enacted, That in all cases where any Township or Townships, or any part or parts thereof, shall have been detached from any District or County for the formation of any new District or County, since the passing of the Wild Land Assessment Law, the Treasurers of each of such Districts or Counties respectively, shall, on or before the first day of January, one thousand eight hundred and fifty-one, meet together at some convenient place to be agreed upon between them, and make up a correct list of the arrears of taxes due on the lands in such Townships or parts of Townships respectively, up to the periods at which such lands became parts of the said new Districts or Counties, and it shall be the duty of the Clerk of the County in which the Township then actually lies, to include the amount of such arrears of taxes as aforesaid due in the Township in his list of arrears of taxes due on such lands, respectively, for the year one thousand eight hundred and fifty-one; and it shall be the duty of the Treasurer of the County to pay over to the Treasurer of the County from which (or from the District subsequently forming it) such Townships or parts of Townships were respectively detached, that portion of the said arrears accrued while the Township was part of such District or County, which is by law applicable for County purposes, reserving for the use of his own County that portion only of such arrears which is applicable for the improvement of the Roads and Bridges in the said Townships respectively; the said payments to be made as aforesaid, on or before the first day of January, one thousand eight hundred and fifty-two.

As to townships or parts of townships which have been detached from districts or counties within a certain time.

XLVIII. And be it enacted, That the County Treasurer or City Chamberlain shall, within thirty days after the Collector has made his return, issue a warrant under his hand and seal, directed to the Sheriff of the County or High Bailiff of the City, commanding him to levy on the said lands of non-residents for the amount of the taxes then remaining due thereon, with his costs.

Warrant for levying taxes on non-residents' lands if not paid.

XLIX. And be it enacted, That the Sheriff or High Bailiff to whom the warrant is directed, shall, within the then current year, cause the same to be executed, giving at least three months notice, and shall make return thereof to the County Treasurer or City Chamberlain issuing the same, and shall pay to him the money levied by virtue thereof; and the

Duty of sheriff, &c., to whom the warrant is addressed.

Sheriff shall have for executing and returning such warrant, Five Shillings for the sale of each separate lot or parcel of land, and may deduct and retain for himself three per cent. on the amount levied by him, and the remainder whereof shall be paid over to the Treasurer or Chamberlain.

Advertisement of time and place of sale.

L. And be it enacted, That the said Sheriff or High Bailiff shall give notice of the time and place of sale of any real estate so taken for taxes, by an advertisement thereof, inserted once in each month during four successive months, in some newspaper of the County or City where the real estate lies, if there be any such newspaper, and if not, then in a newspaper printed in any adjacent County, the last publication of which advertisement shall be at least one week prior to the time of sale.

Further notice thereof.

LI. And be it enacted, That the said Sheriff or High Bailiff shall also post a notice similar to the advertisement required by the preceding section, in some convenient and public place within the County or City, three weeks before the time of sale.

Contents of notices.

LII. And be it enacted, That the notices required by the two preceding sections shall state the names of all the owners who are known to the said Sheriff or High Bailiff, with the total amount of the taxes assessed on their lands respectively; and when the owners are not so known, the advertisement shall state the total amount of the taxes on the several lots, part-lots, or parcels of land to be sold as aforesaid.

Sale if no person comes forward to pay the taxes.

LIII. And be it enacted, That if no person shall appear to pay the taxes at the time and place appointed for the sale of lands so taken for taxes, the Sheriff or High Bailiff shall sell by public auction so much of such lands as shall be sufficient to discharge such taxes, with the interest thereon, and all lawful charges incurred in and about such sale and the collection of such taxes, selling in preference such part of such real estate as he may consider it most for the advantage of the owner to sell first, stating distinctly in the certificate to be delivered by him to the purchaser, what part of the lot is so sold, or that the whole lot or estate is so sold, as the case may be.

Certificate to be given by sheriff, &c., to purchaser.

LIV. And be it enacted, That the Sheriff or High Bailiff selling any lands for taxes, shall give a certificate under his hand to the purchaser, describing the lands sold, the quantity of such lands, the sum for which they were sold and the expenses of sale, and stating that a deed conveying the same to such purchaser will be executed by the Sheriff or High Bailiff, on his demand, at any time after the expiration of three years from the date of such certificate, if the land be not previously redeemed.

Holders of certificates to pay taxes, saving their recourse.

LV. And be it enacted, That all holders of Sheriff's or High Bailiff's certificates for lands sold under this Act, shall pay the taxes which may accrue thereon during the term allowed for redemption, and the taxes so paid shall be added to the amount specified in such certificate, and shall be subject to the payment of ten per cent. interest, in like manner, provided the holder of such certificate shall have given the Sheriff or High Bailiff notice and proof of the payment of such taxes, in order that the amount and interest thereon may be by him received from the party redeeming: Provided always, that if the holder of such certificate shall neglect to pay the taxes accruing as aforesaid, such lands shall be again sold as hereinbefore provided, subject to the right of redemption by the first purchaser during the three years from such second sale, on the payment of the amount disbursed by the second purchaser with interest at the rate of ten per cent. per annum, and without prejudice to the right of the original owner to redeem the same from either purchaser, on the payment of the price, interest at the rate last aforesaid, and all lawful costs, at any time during the three years from the first sale, but not afterwards.

Proviso: in case of neglect to pay such taxes.

LVI. And be it enacted, That the owner of any real estate sold for non-payment of taxes, or his heirs, executors, administrators or assigns, may at any time within three years from the day of sale, redeem the estate sold, by paying or tendering to the County Treasurer or City Chamberlain, for the use and benefit of such purchaser or his legal representatives, the sum paid by him, including taxes paid since the sale, together with interest on such sum or sums, at the rate of ten per cent. per annum, as such amount may be officially known to such Treasurer or Chamberlain; and the said Treasurer or Chamberlain shall give to the party paying such redemption money a receipt stating the sum paid and the object of the payment, and such receipt shall be evidence of the redemption.

Term allowed for redeeming such lands, and conditions of redemption.

LVII. And be it enacted, That if the land be not redeemed within the period hereinbefore allowed for its redemption, the Sheriff or High Bailiff shall, on the demand of the purchaser at any time after the expiration of the said period, and on payment of the sum of Two Shillings and Six Pence to him by such purchaser, execute and deliver a deed of sale of such land to the purchaser, his heirs and assigns; and such deed shall state the date and cause of sale and the price, and shall describe the land by its situation, boundaries and quantity, and shall have the effect of vesting the land in the purchaser, his heirs and assigns, in fee simple, free and clear of all charges and incumbrances thereon, except taxes accrued since those for the non-payment whereof it was sold; and the Sheriff or High Bailiff shall also give the purchaser a certificate of the execution of such deed, containing the particulars aforesaid, under his hand and seal, which for the purposes of registration of the deed in the Registry Office of the proper County shall be deemed a memorial thereof, and the deed shall be registered and a certificate of the registry thereof granted by the Register, on production to him of the deed and certificate and without further proof; and the Register shall, for the registry and certificate thereof, be entitled to Three Shillings and Six Pence, and no more.

If the land be not redeemed, sheriff, &c., to convey it to purchaser.

What the deed shall state.

Certificate for registry.

Fee to registrar.

LVIII. And be it enacted, That the purchaser of any land sold for taxes under this Act shall, on receipt of the Sheriff's or High Bailiff's certificate of sale, become the owner thereof, so far as to have all the necessary rights of action and powers for protecting the same from spoliation or waste until the expiration of the term during which the land may be redeemed; he shall not knowingly permit any person to cut Timber growing upon the land, or otherwise injure the land, nor shall he do so himself, but may use the same without deteriorating its value; Provided always, that from and after tender of the full amount of redemption money required by this Act, the said purchaser shall cease to have any further right in or to the land in question.

Purchaser to have certain rights before the conveyance is made to him.

LIX. And be it enacted, That it shall be the duty of the County Treasurer, on the receipt of the taxes on the lands of non-residents, to pay over, as soon as reasonably may be, to the Treasurer of the proper Township, Town or Village Municipality, the amount of such taxes belonging to them respectively.

Proportion of taxes due to any township, &c., to be paid over to it.

LX. And be it enacted, That every Township, Village, Town or County Treasurer or City Chamberlain, and every Collector, before entering upon the duties of his office, shall enter into a bond with two or more sufficient sureties, in such sum as the Municipal Council of the County, or the Township or Village Municipality, or the Town or City Council, shall require by any By-law to be passed in that behalf, and in the manner required by such By-law, and in conformity to all the provisions thereof; and such sureties shall be to the satisfaction of such Municipal Corporations respectively, and such bond shall be to the

Treasurers and chamberlains to give security.

Township, Village, Town, City or County, by its corporate name; and shall be conditioned for the faithful performance of the duties of such Treasurer, Chamberlain or Collector.

Penalty on assessor neglecting his duty.

His colleagues may act for him.

Punishment of assessor making fraudulent assessment.

Prima facie evidence of fraudulent intention.

Mode of enforcing payment from a collector in default.

Duty of the sheriff or high bailiff.

Proceedings against a sheriff or high bailiff neglecting his duty.

LXI. And be it enacted, That if any Assessor shall refuse or neglect to perform any of the duties required of him by this Act, he shall, for every such offence, upon conviction thereof, before the Recorder's Court of any City, or before the Court of General Quarter Sessions of any County, in which he shall be Assessor, forfeit the sum of Twenty-five Pounds to Her Majesty, Her Heirs and Successors; and if any Assessor shall neglect, or from any cause omit to perform his duties, the other Assessor or Assessors for the same locality, if there be more than one, or either of them, shall, until a new appointment, perform such duties, and shall certify upon their Assessment Roll the name of such delinquent Assessor, and shall state, if he or they know it, the cause of such omission.

LXII. And be it enacted, That if any Assessor or Collector, acting under this Act, shall make any unjust or fraudulent assessment or collection, or shall wilfully omit any duty required of him by this Act, he shall be guilty of a misdemeanor, and, upon conviction thereof, before any Court of competent jurisdiction, he shall be liable to a fine not exceeding Fifty Pounds, (and to imprisonment until the fine shall be paid), or to imprisonment in the common gaol of the County or City for a period not exceeding six calendar months, or to both, in the discretion of the Court whose duty it shall be to pass the sentence of the law on such offender; and proof to the satisfaction of the Jury, that any real property was assessed by such Assessor at an actual or yearly value greater or less than its true actual or yearly value by thirty per centum thereof, shall be *prima facie* evidence that such assessment was fraudulent and unjust, and the Assessor convicted of having made any fraudulent and unjust assessment, shall be sentenced to the greatest punishment, both of fine and imprisonment, allowed by this section.

LXIII. And be it enacted, That if any Collector shall refuse or neglect to pay to the County, Township, Village or Town Treasurer or City Chamberlain, or to such other person as shall be legally authorized to receive the same, the sums contained on his roll, or duly to account for the same as uncollected, the County Treasurer or City Chamberlain, shall, within twenty days after the time when such payments ought to have been made, issue a warrant under his hand and seal, directed to the Sheriff of the County, or to the High Bailiff of such City, commanding him to levy such sum as shall remain unpaid and unaccounted for, with costs, of the goods, chattels, lands and tenements of such Collector, and to pay to the County, Township, Village or Town Treasurer or City Chamberlain, the sum coming to each of them respectively, and to return such warrant within forty days after the date thereof, which warrant the said Treasurer or Chamberlain, shall immediately deliver to the Sheriff of the County or High Bailiff of the City, as the case may require.

LXIV. And be it enacted, That the Sheriff or High Bailiff, to whom the warrant is directed, shall, within such forty days, cause the same to be executed, and make return thereof to the County Treasurer or City Chamberlain, and shall pay to him the money levied by virtue thereof deducting for his fees the same compensation which the Collector would have been entitled to retain.

LXV. And be it enacted, That if any Sheriff or High Bailiff shall refuse or neglect to levy such money, or any money which he shall be commanded to levy in any warrant lawfully issued under this Act by any Treasurer or Chamberlain, or to pay over the same, or shall make a false return to such warrant, or neglect or refuse to make any return,

or shall make an insufficient return, it shall and may be lawful for the Treasurer or Chamberlain, to make application in a summary manner upon affidavit of the facts, to either of the Superior Courts of Common Law Jurisdiction in Upper Canada, in term time, or to any Judge of either of the said Courts in vacation, for a rule or summons calling upon such Sheriff or High Bailiff to answer the matter of such affidavit, which said rule or summons shall be returnable at such time as the Court or Judge shall direct; and upon the return of such rule or summons, it shall and may be lawful for the Court or Judge to proceed in a summary manner, upon affidavit and without formal pleadings, to hear and determine the matters of such application; and if the Court or Judge shall be of opinion that the Sheriff or High Bailiff has refused or neglected to levy such money, or to pay over the same, or has made a false return or neglected or refused to make any return, or has made an insufficient return, it shall and may be lawful for the Court or Judge, and the Court or Judge is hereby required to order the proper officer of such Court, to issue a Writ of *Fieri Facias* adapted to the case, directed to a Coroner of the said County, in case the said application be made by the County Treasurer, or to the Coroner of the County in which the said City is situate, in case the application has been made by any City Chamberlain, which said Writ shall direct the said Coroner to levy of the goods and chattels of the said Sheriff or High Bailiff, such sum as such Sheriff or High Bailiff may have been ordered to levy by the Warrant of the said County Treasurer or City Chamberlain, together with the costs of such application and of execution; and such Writ shall bear date on the day of issuing the same, whether in term or in vacation, and shall be returnable forthwith, and the Coroner executing any such Writ shall be entitled to the same fees, and no more, as upon a Writ grounded upon a judgment of the Court.

LXVI. And be it enacted, That if any Sheriff or High Bailiff shall wilfully omit to perform any duty required of him by this Act, and no other penalty be hereby imposed for such omission, he shall be liable to a penalty of fifty pounds, to be recovered from him in any Court of competent jurisdiction at the suit of the County Treasurer or Chamberlain of the City; and the said penalty, as well as any penalties recovered under the preceding sections, shall be paid to the Treasurer or Chamberlain for the uses of the County or City respectively.

Penalty on sheriff or high bailiff for neglect of duty.

LXVII. And be it enacted, That this Act shall apply solely to that part of the Province called Upper Canada; that the Interpretation Act shall apply to this Act; that the words "Wild Land Assessment Law," shall be understood as meaning any and every Act of the Legislature of Upper Canada, under which taxes were, immediately before the coming into force of this Act, imposed on Wild Lands in Upper Canada; that the word "County" shall be held to include Unions of Counties while such Unions shall continue; and that the word "Ward" shall not be held to extend to or apply to any rural Ward in any Township.

Interpretation clause.

LXVIII. And be it enacted, That this Act shall commence and have force and effect upon, from and after the first day of January, one thousand eight hundred and fifty-one, and not before.

Commencement of Act.

SCHEDULE A.

PERSONAL PROPERTY LIABLE TO TAXATION UNDER THE FOREGOING ACT.

All Horses of three years old, and upwards.

All Neat Cattle of three years old, and upwards.

Pleasure Carriages of all descriptions, and also all Carriages kept for hire.

The average Stock of Goods on hand, of every Merchant, Trader or

Dealer, Manufacturer, Tradesman or Mechanic; such average stock to be considered to be the mean between the highest and the lowest amount of goods on hand at any time during the year.

The amount of all Stock or Shares in Steamers, Schooners, or other water craft employed in the conveyance of freight or passengers, and owned within the Municipality.

SCHEDULE B.

COLUMN 1.—Name of Taxable Party.

- " 2.—Number of Concession, Street, Square or other designation of the local division in which the real property lies.
- " 3.—Number of the Lot, House, &c., in such division.
- " 4.—Number of Acres, Superficial Feet, or other measure, showing the extent of the property.
- " 5.—Value (or yearly value) of each separate lot or parcel of real property.
- " 6.—Total value (or total yearly value) of all the real property of such party.
- " 7.—Number of Horses, three years old, or upwards.
- " 8.—Value of the same.
- " 9.—Number of Neat Cattle, three years old, or upwards.
- " 10.—Value of the same.
- " 11.—Number of Pleasure Carriages of all descriptions, or of Carriages kept for hire.
- " 12.—Value of the same.
- " 13.—Value of the average Stock of Merchants, Traders, Dealers, Manufacturers, Tradesmen or Mechanics.
- " 14.—Value of Stock or Shares in Steamers, Schooners, and other water craft, employed for the conveyance of freight or passengers.
- " 15.—Amount of taxable income.
- " 16.—Total value of taxable personal property.
- " 17.—Total yearly value of the same.

NOTE.—The yearly value of the real property will be set down in Cities, and incorporated Towns and Villages, and the actual value in other places; in which, also, the column No. 16 may be omitted. In columns 2 and 3, any other description by which the property can be ascertained, may be set down if the Concession, Street, Square, or number be unknown.

PUBLIC BUILDINGS, U. C.

ACT 13 & 14 VIC., CAP. 68.

An Act to provide Funds for defraying the cost of the erection of the Lunatic Asylum and other Public Buildings in Upper Canada.

[Passed 10th August, 1850.]

WHEREAS it is expedient to make better provision for paying off the principal and interest of the Debentures issued for the purpose of raising funds for defraying the expense of erecting the Lunatic Asylum in Upper Canada, under the provisions of the Act hereinafter mentioned, and for raising a fund for defraying the cost of erecting other public buildings in that portion of this Province of general importance to the inhabitants thereof: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That so much of the Act of the Parliament of Upper Canada, passed in the second year of Her Majesty's Reign, and intituled, *An Act to authorize the erection of an Asylum within this Province, for the reception of Insane and Lunatic Persons*, as authorizes the imposing of an assessment of one-eighth of a penny in the pound for the purposes of the said Act, shall be and is hereby repealed; as are also all rates and assessments made under the authority of the said Act: except in so far as regards any arrears of such rates and assessments remaining due and unpaid when the said repeal shall take effect.

Preamble.

Rate imposed by Act of U. C.

2 Vic. c. 11, repealed.

Exception.

II. And be it enacted, That instead of the rate mentioned in the said Act, there shall be and there is hereby imposed upon all taxable property, real or personal, in Upper Canada, a yearly rate or tax of six pence in the hundred pounds (and so in proportion on any less sum) on the assessed actual value of such property, or of one penny in the pound on the assessed yearly value thereof, according as the same is assessed by its actual or yearly value, and such rate or tax shall be entered upon the Collector's Rolls, in a separate column, by the Clerk or Officer making out the same, and shall be received, collected and levied by the same Officers, at the same times and in the same manner as other local taxes, rates or assessments on the same property; and all moneys arising therefrom and received by any Collector shall be paid over by him to the County Treasurer or City Chamberlain, at the same times and under the same provisions, and with the same remedy in case of non-payment as other moneys payable to him by such Collector, and all such moneys received by any Treasurer or Chamberlain, shall by him be paid over (retaining five per cent., of which one half shall be allowed by him to the Collectors respectively, on sums collected by them) to the Receiver General of the Province, for the purposes of this Act, at such times and in such manner as the Governor shall from time to time direct and require; and such moneys shall, in the hands of such Treasurer or Chamberlain, be held to be moneys received by him for

A new rate imposed.

How to be collected, paid over, &c.

Per centage allowed.

To be deemed moneys of the crown.

duties due to Her Majesty, and such Treasurer or Chamberlain shall, in default of paying over the same be liable accordingly.

To what purposes such rate shall be applied.

III. And be it enacted, That the sums paid over to the Receiver General under the next preceding section of this Act shall be applied—

Interest on debentures.

First—To the payment of the interest on all Debentures issued on account of the said Lunatic Asylum and now outstanding, and also of the interest on any Debentures which may be issued under the authority of Parliament for the purpose of raising money to complete the said Asylum, or to defray the expense of procuring a site for or of erecting any other Public Building in Upper Canada, for any Institution of general importance to the inhabitants of that portion of the Province.

Sinking fund.

Secondly—To the formation of a Sinking Fund of not less than one thousand five hundred pounds per annum, towards paying off the principal of such Debentures as aforesaid.

Other purposes.

Thirdly—Towards the support of the said Lunatic Asylum and of any other such Institution as aforesaid, in such manner as shall be directed by Parliament.

When the foregoing provisions shall take effect.

IV. And be it enacted, That the foregoing provisions of this Act shall have force and effect upon, from and after the first day of January, one thousand eight hundred and fifty-one, and not before.

Appropriation out of moneys arising under 2 Vic. c. 11.

V. And be it enacted, That out of any moneys arising from any rate or assessment imposed under the Act first above cited, there may be paid and applied such sums as may be required to defray the expenses of the said Lunatic Asylum for the present year one thousand eight hundred and fifty, in addition to the Parliamentary grant for that purpose.

ARREARS OF TAXES.

ACT 13 & 14 VIC., CAP. 69.

An Act to enable Collectors of Local Taxes in Upper Canada, for the several years between one thousand eight hundred and thirty-six and one thousand eight hundred and forty-nine, (both inclusive,) to recover Taxes accrued in such years respectively, and remaining due.

[Passed 10th August, 1850.]

Preamble.

WHEREAS there are considerable amounts of Local Taxes, Rates and Assessments accrued in Upper Canada, between the years one thousand eight hundred and thirty-six and one thousand eight hundred and forty-nine, both inclusive, still remaining due and unpaid; And whereas difficulties have arisen and doubts exist as to whether the several Collectors appointed for such years respectively, can now legally enforce payment of such arrears, and it is but fair and just that the parties assessed and in arrear should be required to pay the Taxes due by them: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby

enacted by the authority of the same, That it shall and may be lawful for any Collector or Collectors in office during the present or any future year in the Town, Township or place in and for which he or they may be such Collector or Collectors respectively, to demand, collect, levy, sue for, recover and receive, in the same way and by such means as any Collector or Collectors may then lawfully use for collecting, levying and recovering Local Taxes in Upper Canada, all such arrears of Taxes, Rates and Assessments as became due between the years one thousand eight hundred and thirty-six and one thousand eight hundred and forty-nine, (both years inclusive) and which now remain due and unpaid.

Collectors in office may collect arrears of former years.

II. And be it enacted, That no person shall be sued for recovery of any such arrears until the same shall have been first demanded by the Collector or person specially appointed as aforesaid in the usual way, and four days (exclusive of the day of demand,) shall have elapsed without payment being made; and the Collector shall be the plaintiff in the suit or proceeding, which proceeding shall be by and before a Judge of the Division Court, or two Justices of the Peace, by summons and distress warrant in the usual way, or before the Judge of the County Court, who shall have power respectively to examine the parties themselves, if they or he deem it necessary, and their witnesses on oath, and to receive in evidence all such matters as they or he see fit to receive, in order to enable them to arrive at a just and equitable decision in the matter; and they or he shall have power to award to either party such reasonable costs as they or he may think proper, and also to allow the defendant to set off any money, produce, work or other matter heretofore paid, or delivered to, or performed by him for the Collector suing, or to or for the Collector who acted at the time when he became in arrear, if it shall appear to the said Justices or Judge, at the hearing of the case, that any such payment, delivery or performance was intended to be in satisfaction, either wholly or in part, of the arrears claimed, and the said Justices or Judge, as the case may be, shall decide according to the legal or equitable merits of each case; any law or usage to the contrary thereof in any wise notwithstanding.

Notice to the party in default, and mode of proceeding for enforcing payment, &c.

III. Provided always, and be it enacted, That such Collectors as aforesaid, shall pay over the sums by them collected as aforesaid, to the Treasurer or other officer entitled to demand and receive the same, first deducting their lawful charges and allowances: and in default thereof, shall be subject to such penalties or legal proceedings as are provided by the laws of Upper Canada, with regard to Collectors failing to account for or pay over taxes due in the localities for which they are appointed.

Taxes so collected to be paid over to the proper treasurer.

TAVERN LICENCES.

ACT 13 & 14 VIC., CAP. 65.

An Act to amend the laws relative to Tavern Licenses in Upper Canada.

[Passed 10th August, 1850.]

WHEREAS it is expedient to vest in the Municipal authorities in Upper Canada the power of fixing the number of Taverns, Beer shops, and other houses and places of public entertainment, where wines and spirituous or fermented liquors are sold, or of prohibiting

Preamble.

Imp. Act, 14 G.
3, c. 88, cited.

Certain parts of
Acts of U. C.;

50 G. 3, c. 2;

6 W. 4, c. 4;

3 Vic. c. 20;

3 Vic. c. 21;

Repealed on the
passing of this
Act;

And the re-
mainder on the
first March, 1851.

Proviso.

such houses or places in the said Municipalities respectively, and of prescribing the conditions on which Licenses to keep the same shall be obtained and held, and the duty which shall be paid thereon over and above that imposed on persons keeping such houses and retailing Wines and Spirituous Liquors therein, by the Act of the Parliament of Great Britain, passed in the fourteenth year of the Reign of King George the Third, and intituled, *An Act to establish a Fund towards further defraying the charges of the Administration of Justice and the support of the Civil Government within the Province of Quebec in North America*: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That so much of the Act of the Parliament of Upper Canada, passed in the fifty-ninth year of the Reign of King George the Third, and intituled, *An Act to alter the laws now in force for granting Licenses to Inn-Keepers, and to give to the Justices of the Peace, in General Quarter Sessions assembled for their respective Districts, authority to regulate the duties hereafter to be paid on such Licences*,—or of the Act of the said Parliament passed in the sixth year of the Reign of his late Majesty King William the Fourth, and intituled, *An Act to repeal and amend certain parts of an Act passed in the thirty-sixth year of the reign of King George the Third, intituled, 'An Act to amend an Act for regulating the manner of Licensing Public Houses and for the more easy convicting of persons selling spirituous liquors without a License,' and for other purposes therein mentioned*,—or of the Act of the said Parliament passed in the third year of Her Majesty's Reign, and intituled, *An Act for further regulating the manner of granting Licenses to Inn-Keepers, and to the Keepers of Ale and Beer Houses within this Province*,—or of the Act passed in the year last aforesaid, and intituled, *An Act to continue and make perpetual, parts of an Act passed in the fifty-ninth year of the Reign of His late Majesty King George the Third, intituled, 'An Act to alter the Laws now in force for granting Licenses to Inn-Keepers, and to give to the Justices of the Peace in General Quarter Sessions assembled for their respective Districts, authority to regulate the duties hereafter to be paid on such Licences, and for other purposes therein mentioned*,—or of any other Act or Law in force in Upper Canada, as vests in any Justices of the Peace the power of granting certificates entitling the parties to whom they are granted to obtain Licenses to keep Inns or Houses of Public Entertainment, or of making rules and regulations for the conduct of such Inn-Keepers, or of repealing such rules and regulations, or of fixing the duty or sum which any person is required to pay for such License or before he can obtain the same, or of repealing or altering any duty or sum so fixed, or as may be inconsistent with any provision of this Act which is to be acted upon before the first day of March next, shall be and is hereby repealed from and after the passing of this Act; and the remaining provisions of the said Acts, and the rules and regulations made under them, and the duties or sums required to be paid under them for such Licenses as aforesaid, shall remain in force (in so far only as they may not be inconsistent with any provisions of this Act to be acted upon before the said day) until the said first day of March next, upon, from and after which day they shall be repealed, except the seventh and eighth sections of the Provincial Act thirdly above cited, which shall remain in force: Provided always, that all Acts and parts of Acts repealed by the said Acts or any of them shall remain repealed, and that all penalties incurred before the said day for any contravention of any

of the said Acts, may be sued for and recovered under the same as if they were not so repealed.

II. Provided always, and be it enacted, That neither the repeal of the said Acts nor any thing in this Act contained, shall be construed to repeal or affect any duty or sum payable on licenses to vend wine, brandy and spirituous liquors by retail, to be granted or issued in Upper Canada to shopkeepers or others not keeping Inns or places of public entertainment, or any provision for preventing the vending or imposing any penalty for the vending of the same by such persons, or in any Steamboat or Vessel, without a license, or for the recovery and distribution of any such penalty.

Shop licenses not to be affected by this Act.

III. And be it enacted, That a license to keep an Inn or house of public entertainment, may be issued at any time after the passing of this Act, and without any certificate, to any person then holding a license for a like purpose, which license to be so issued shall authorize such person to keep such Inn or House at the same place, from the expiration of the period to which such former license extended, until the last day of February next (inclusive) but not afterwards; and for any license to be issued under this section, the person receiving the same shall pay a sum bearing the same proportion to the sum paid by him for such former license, as the time for which such new license is to be granted shall bear to the time for which such former license was granted.

Present tavern licenses may be continued until twenty-eighth February, 1851.

IV. And be it enacted, That the Municipality of each Township or incorporated Village, the Town Council of each incorporated Town, and the Common Council of each City in Upper Canada, shall have power and authority at any time after the passing of this Act, to make By-laws, —For limiting the number of Inns or houses of Public entertainment in such Township, Village, Town or City for which licenses to retail spirituous liquors to be drunk therein shall be issued, to be in force after the last day of February, one thousand eight hundred and fifty-one, (or for prohibiting the issuing of any such licenses, for any house in their respective Municipalities,) and for fixing the terms and conditions which shall be previously complied with by any person desiring such license, the description of house and accommodation he shall have and constantly keep and maintain, and the security he shall give for observing all the By-laws of the Municipality, and the sum which he shall pay for such license over and above the duty imposed by the Act aforesaid of the Parliament of Great Britain;—For regulating all such inns and houses of public entertainment, and for imposing for any contravention of such By-laws any penalty or punishment which they may lawfully impose for any contravention of other By-laws;—For similar purposes with respect to ale or beer houses, and other houses for the reception and entertainment of the public, where fermented or other manufactured liquors are sold to be drunk therein; Provided always, that nothing herein contained shall be construed to relieve any person keeping a house of public entertainment and retailing wine and spirituous liquors therein, without a license, from the penalty imposed for such offence by the Act of the Parliament of Great Britain aforesaid, which penalty shall always be recoverable on the oath of one credible witness other than the informer, in any Court having jurisdiction to the amount in Civil matters.

Municipal corporations to make by-laws for certain purposes, relative to taverns.

And beer-houses, &c.

Proviso as to penalties under the said Imp. Act.

V. And be it enacted, That at the Annual Election of Councillors in the several Townships, Incorporated Villages and Towns and Cities in Upper Canada, there shall be elected by the same electors in each Township not divided into Wards or Incorporated Village, three Inspectors of Houses of public entertainment,—and in each Ward of any Township divided into Wards or of any such Town or City, one such

Inspectors of houses of public entertainment to be elected.

To be subject to by-laws. Inspector of Houses of public entertainment ; and such Inspectors shall be subject in the same manner as other Municipal Officers, to any By-laws to be made by the Council of the Municipality touching their duties or remuneration,—the security they shall give, and other like matters ; and vacancies in the office of Inspector shall be filled in like manner as vacancies in the office of Councillor

Duties of such inspectors. VI. And be it enacted, That it shall be the duty of such Inspectors to see that the By-laws of the Municipality are complied with as regards the persons to whom Licenses to keep Houses of Public entertainment and to retail spirituous liquors therein are to be issued ; and for this purpose the said Inspectors shall, after such previous visits and examinations as they may think proper, meet at such time in each year before the first day of March, and at such place as they shall think meet, or at such time and place before the said day as the Council of the Municipality shall have appointed by By-law, for the purpose of determining what persons have under the By-laws in that behalf qualified themselves to obtain such Licenses, and to give certificates to such persons, which shall state the sum payable by such persons respectively, for such Licenses, under the By-laws of the Municipality ; and upon the production of such certificate and payment of the said sum and of the duty imposed by the said Act of the Parliament of Great Britain, to the proper Revenue Inspector, he shall issue Licenses to such persons respectively for the purposes aforesaid, which Licenses shall be in force from the date thereof until the last day of February in the then next year, and no such License shall be issued in favor of any person unless he shall produce such certificate as aforesaid : Provided always, that if the number of persons who shall have complied with the requirements of the By-laws made in that behalf, shall be greater than the number of persons to whom Licenses may be issued under such By-laws, the Inspectors shall determine, (subject to any By-laws passed for their guidance in this behalf) to which of such persons Licenses may be granted with most advantage to the public.

Licenses. VII. And be it enacted, That the said Inspectors shall perform similar duties with regard to Inns, Ale and Beer Houses, Victualling houses, Ordinaries, and eating-houses, and other establishments of like nature, which by the By-laws of the Municipality shall require licenses : And such duties shall be performed in such manner as shall be directed by such By-laws, and such licenses shall be issued at such times, for such periods and by such officer as shall be directed by such By-laws : And any provision of law vesting in any other functionary any power hereby vested in the Inspectors aforesaid, or otherwise inconsistent with this Act, is hereby repealed.

Further duties of inspectors. VIII. And be it enacted, That any majority of the said Inspectors may exercise all the powers of the Inspectors, and the said Inspectors shall have full power to adjourn any meeting from day to day or to any future day : and if on any question the Inspectors shall be equally divided, the Mayor or Town-Reeve, or in his absence the functionary performing his duties, shall vote thereon and decide the same, unless and until other provision be made for this purpose (as it may be) by the By-laws of the Municipal Corporation of the place.

How to be performed. IX. Provided always, and be it enacted, That nothing herein contained shall be construed to prevent the Governor in Council from appointing any Municipal Officer or other person to issue licenses for keeping houses of public entertainment and retailing spirituous liquors therein, in any Municipality, if he shall think proper to appoint such officer or person to perform that duty instead of the Revenue Inspector.

Inconsistent enactments repealed.

Majority of inspectors may act.

Municipal officers may be appointed to issue licenses.

COMMON SCHOOLS.

ACT 13 & 14 VIC., CAP. 48.

An Act for the better establishment and maintenance of Common Schools in Upper Canada.

[Passed 24th July, 1850.]

WHEREAS it is expedient to make provision for the better establishment and maintenance of Common Schools in the several Villages, Towns, Cities, Townships and Counties of Upper Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Act of the Parliament of this Province, passed in the seventh year of Her Majesty's Reign, and intituled, *An Act for the better establishment and maintenance of Common Schools in Upper Canada*, and also the Act passed in the twelfth year of Her Majesty's reign, chapter eighty-three, and intituled, *An Act for the better Establishment and maintenance of Public Schools in Upper Canada, and for repealing the present School Act*, shall be, and the same are hereby repealed: Provided always, nevertheless, firstly, that no Act or part of an Act repealed by either of the Acts hereby repealed, shall be revived by the passing of this Act: And provided also, secondly, that the repeal of the said Acts shall not extend or be construed to extend to any act done, any penalty incurred, or any proceeding had under the said Acts, or either of them: And provided also, thirdly, that all School Sections or other School divisions, together with all elections and appointments to office, all agreements, contracts, assessments, and rate-bills, made under the authority of the said Acts, or of any preceding Act, and not annulled by the said Acts or by this Act, or by any of them, shall be valid and in full force and binding upon all parties concerned, as if made under the authority of this Act, and shall so continue until altered, modified, or suspended, according to the provisions of this Act: And provided also, fourthly, that nothing herein contained shall affect the liability of any District, County, City, Town, or Township Superintendent of Common Schools, to the Municipal Corporation to which he would otherwise be responsible for the same, for any moneys received by him under either of the said Acts; but the liabilities of every such Superintendent for such moneys shall be and remain as if this Act had not been passed: And provided also, fifthly, that nothing in the said Act secondly above recited, contained, shall extend, or be construed to extend, to have repealed any Act of the Parliament of this Province, whereby provision was made for the appropriation of money from the Consolidated Revenue Fund of this Province, for or towards the establishment and maintenance of Common Schools in this Province, or in any part thereof.

Preamble.

Two Acts repealed.

Proviso.

All school divisions, elections, appointments, contracts, &c., confirmed.

FIRST—ELECTION AND DUTIES OF SCHOOL TRUSTEES.

II. And be it enacted, That the annual meetings for the elections of School Trustees, as hereinafter provided by this Act, shall be held in

Annual school meetings.

all the Villages, Towns, Cities, and Townships of Upper Canada, on the second Wednesday in January, in each year, commencing at the hour of Ten of the clock in the forenoon.

One Trustee in each school section to be elected.

Proviso : as to re-election.

Mode of calling the first school meeting in a new section.

Mode of proceeding at first meeting.

Election of Chairman and Secretary ; their duties.

A poll when to be granted.

Three Trustees to be elected.

Order of retiring from Office.

Proviso.

Proceedings at annual meetings.

Chairman and Secretary.

Annual financial report.

Section of Trustees.

III. And be it enacted, That in all School divisions (except in Cities, Towns and Incorporated Villages) which have been established according to law, and which have been called "School Sections," and in which there shall be three Trustees in office at the time this Act shall come into force, one Trustee shall be elected to office at each ensuing annual school meeting, in place of the one who shall have been three years in office : Provided always, that the same individual, if willing, may be re-elected : And provided also, that no School Trustee shall be re-elected, except by his own consent, during the four years next after his going out of office.

IV. And be it enacted, That whenever any school section shall be formed in any Township, as provided in the eighteenth section of this Act, the Clerk of the Township shall communicate to the person appointed to call the first school meeting for the election of Trustees, the description and number of such school section ; and such person shall, within twenty days thereafter, prepare a notice in writing, describing such section, and appointing a time and place for the first school section meeting, and shall cause copies of such notice to be posted in at least three public places in such school section, at least six days before the time of holding such meeting.

V. And be it enacted, That at every such first school section meeting, the majority of the freeholders or householders of such school section present, shall elect one of their own number to preside over the proceedings of such meeting, and shall also appoint a Secretary, whose duty it shall be to record all the proceedings of such meeting ; and the Chairman of such meeting shall decide all questions of order, subject to an appeal to the meeting, and shall give the casting vote in case of an equality of votes, and shall have no vote except as Chairman, and shall take the votes in such manner as shall be desired by the majority of the electors present, and shall at the request of any two electors, grant a poll for recording the names of the voters by the Secretary : and it shall be the duty of the electors present at such meeting, or a majority of them, to elect from the freeholders or householders in such section, three Trustees who shall respectively continue in office as follows : the last person elected shall continue in office until the next ensuing annual school meeting in such section, and until his successor is elected ; the second person elected, one year, and the first person elected, two years, from such next ensuing annual school meeting, and until their successors are elected respectively : Provided always, that a correct copy of the proceedings of such first school section meeting, and of every annual school section meeting, signed by the Chairman and Secretary, shall be forthwith transmitted by the Secretary to the Local Superintendent of Schools.

VI. And be it enacted, That at every annual school section meeting in any Township, as authorized and required to be held by the second section of this Act, it shall be the duty of the freeholders or householders of such section, present at such meeting, or a majority of them—

Firstly.—To elect a Chairman and Secretary, who shall perform the duties required of the Chairman and Secretary, by the fifth section of this Act.

Secondly.—To receive and decide upon the report of the Trustees, as authorized and provided for by the eighteenth clause of the twelfth section of this Act.

Thirdly.—To elect one or more persons as Trustee or Trustees, to fill

up the vacancy or vacancies in the Trustee Corporation, according to law : Provided always, that no Teacher in such section shall hold the office of School Trustee.

Fourthly.—To decide upon the manner in which the salary of the Teacher or Teachers, and all the expenses connected with the operation of the School or Schools, shall be provided for. Expenses of the School.

VII. And be it enacted, That if any person offering to vote at an annual or other school section meeting, shall be challenged as unqualified by any legal voter in such section, the Chairman presiding at such meeting shall require the person so offering, to make the following declaration : Challenging voters.

“ I do declare and affirm that I am a freeholder (or householder) in “ this school section, and that I am legally qualified to vote at this meeting.” Declaration required.

And every person making such declaration, shall be permitted to vote on all questions proposed at such meeting ; but if any person shall refuse to make such declaration, his vote shall be rejected : Provided always, that every person who shall wilfully make a false declaration of his right to vote, shall be deemed guilty of a misdemeanour, and punishable by fine or imprisonment, at the discretion of any Court of Quarter Sessions, or by a penalty of not less than One Pound Five Shillings, or more than Two Pounds Ten Shillings, to be sued for and recovered, with costs, by the Trustees of the school section, for its use, before any Justice of the Peace, having jurisdiction within such school section. Proviso : false declaration for voting illegally.

VIII. And be it enacted, That if any person chosen as Trustee, shall refuse to serve, he shall forfeit the sum of One Pound Five Shillings ; and every person so chosen and not having refused to accept, who shall at any time refuse or neglect to perform the duties of his office, shall forfeit the sum of Five Pounds ; which sum or sums may be sued for and recovered by the Trustees of the school section, for its use, before any such Justice of the Peace : Provided always, that any person chosen as Trustee may resign with the consent of his colleagues in office and of the Local Superintendent, expressed in writing. Mode of recovering penalty.

IX. And be it enacted, That in case no annual or other school section meeting be held for want of the proper notice, the Trustees or other person whose duty it was to give such notice, shall respectively or individually forfeit the sum of One Pound Five Shillings, to be sued for and recovered for the purposes of such school section, on the complaint of any resident in such section, before any such Justice of the Peace : Provided always, that in the default of the holding of any school section meeting, as hereinbefore authorized by this Act, for want of the proper notice, then any two freeholders or householders in such section, are hereby authorized, within twenty days after the time at which such meeting should have been held, to call such meeting by giving six days' notice, to be posted in at least three public places in such school section ; and the meeting thus called shall possess all the power, and perform all the duties of the meeting in the place of which it shall have been called. Refusing to serve as Trustee.

X. And be it enacted, That the Trustees in each school section shall be a Corporation, under the name of “ The Trustees of School Section Number , in the Township of , in the County of :” Provided always, that no such Corporation of any school section shall cease by reason of the want of Trustees, but in case of such want, any two freeholders or householders of such section shall have authority, by giving six days' notice to be posted in at least three public places in such section, to call a meeting of the freeholders or householders, who shall proceed to elect three Trustees, in the manner Proviso : resigning as Trustee.

Not giving due notice of meetings.

Mode of recovering penalty.

Mode of calling meeting in default of annual meeting, &c.

Trustees to be a Corporation.

Proviso.

Mode of electing new Trustees.

prescribed in the fifth section of this Act, and the Trustees thus elected shall hold and retire from office in the manner prescribed for Trustees elected under the authority of the said fifth section of this Act.

Mode of deciding
on the site of a
school house.

XI. And be it enacted, That in any case of difference as to the site of a school-house between the majority of the Trustees of a school section and a majority of the freeholders or householders, at a special meeting called for that purpose, each party shall choose one person as arbitrator, and the two arbitrators thus chosen, and the local Superintendent, or any person appointed by him to act on his behalf, in case of his inability to attend, or a majority of them, shall finally decide on the matter.

Duties of
Trustees.

XII. And be it enacted, That it shall be the duty of the Trustees of each school section :

Secretary-
Treasurer : his
duties.

Firstly.—To appoint one of themselves, or some other person, to be Secretary-Treasurer to the Corporation ; and it shall be the duty of such Secretary-Treasurer to give such security for the correct and safe keeping and forthcoming (when called for) of the papers and moneys belonging to the Corporation, as may be required by a majority of the Trustees ; to keep a record of all their proceedings, in a book procured for that purpose ; to receive and account for all school moneys collected by rate-bill, subscription, or otherwise, from the inhabitants of such school section ; to disburse such moneys in such manner as may be directed by the majority of the Trustees.

Collector : his
duties.

Secondly.—To appoint, if they shall think it expedient, a Collector (who may also be Secretary-Treasurer), to collect the rates they have imposed, or shall impose upon the inhabitants of their school section, or which the said inhabitants may have subscribed ; and to pay such Collector, at the rate of not less than five or more than ten per cent. on the moneys collected by him for his trouble in collecting ; and every Collector shall give such security as may be satisfactory to the Trustees, and shall have the same powers, by virtue of a warrant, signed by a majority of the Trustees in collecting the school-rate or subscription, and shall proceed in the same manner as ordinary Collectors of County and Township rates or assessments.

His remun-
eration.

To give security.

Powers.

Trustees to have
the keeping of
the school prop-
erty.

Thirdly.—To take possession and have the custody and safe keeping of all Common School property, which may have been acquired or given for Common School purposes in such section, and to acquire and hold as a Corporation, by any title whatsoever, any land, moveable property, moneys or income for Common School purposes, until the power hereby given shall be taken away or modified, according to law, and to apply the same according to the terms of acquiring or receiving them.

Providing school
premises.

Fourthly.—To do whatever they may judge expedient with regard to the building, repairing, renting, warming, furnishing and keeping in order the section school-house, and its appendages, wood-house, privies, enclosures, lands, and moveable property which shall be held by them, and for procuring apparatus and text books for their School ; also, to rent, repair, furnish, warm, and keep in order a school-house and its appendages, if there be no suitable school-house belonging to such section, or if a second school-house be required.

Apparatus and
books.

Teachers.

Fifthly.—To contract with and employ all Teachers for such school section, and determine the amount of their salaries ; and to establish, if they shall deem it expedient, by and with the consent of the local Superintendent of schools, both a female and male school in such section, each of which shall be subject to the same regulations and obligations as common schools generally.

Female school.

Orders to
Teachers for
money.

Sixthly.—To give the Teacher or Teachers employed by them the necessary order or orders upon the Local Superintendent for the School

Fund apportioned and payable to their school section : Provided always, that the Trustees of any school section shall not give such order in behalf of any Teacher who does not, at the time of giving such order, hold a legal certificate of qualification.

Seventhly.—To provide for the salaries of Teachers and all other expenses of the School, in such manner as may be desired by a majority of the freeholders or householders of such section, at the annual school meeting, or a special meeting called for that purpose, and to employ all lawful means, as provided for by this Act, to collect the sum or sums required for such salaries and other expenses ; and should the sums thus provided be insufficient to defray all the expenses of such school, the Trustees shall have authority to assess and cause to be collected any additional rate, in order to pay the balance of the Teacher's salary, and other expenses of such school.

Providing for salaries of Teachers and expenses of the school.

And for deficiencies.

Eighthly.—To make out a list of the names of all persons rated by them for the school purposes of such section, and the amount payable by each, and to annex to such list a Warrant directed to the Collector of the school section, for the collection of the several sums mentioned in such list : Provided always, that any school-rate imposed by Trustees, according to this Act, may be made payable monthly, quarterly, half-yearly, or yearly, as they may think expedient.

To make out a rate-bill list and Warrant.

Proviso : such rate-bill how payable.

Ninthly.—To apply to the Municipality of the Township, or employ their own lawful authority, as they may judge expedient, for the raising and collecting of all sums authorized in the manner hereinbefore provided, to be collected from the freeholders and householders of such section, by rate, according to the valuation of taxable property, as expressed in the Assessor's or Collector's Roll ; and the Township Clerk or other officer having possession of such roll is hereby required to allow any one of the Trustees or their authorized Collector, to make a copy of such roll, as far as it shall relate to their school section.

To apply to the Township Council for raising school moneys.

Duty of Township Clerk.

Tenthly.—To exempt wholly or in part, from the payment of school-rates, such indigent persons as they shall think proper, and the amount of the same shall be a charge upon the other rateable inhabitants of the school section, and shall not be deducted from the salary of a Teacher.

To exempt indigent persons. Teacher's salary not to be lessened.

Eleventhly.—To sue for and recover by their name of office, the amounts of school-rates or subscriptions due from persons residing without the limits of their school section, and making default of payment.

To sue defaulters.

Twelfthly.—To appoint the place of each annual school meeting, and to cause notices to be posted in at least three public places of such section, at least six days before the time of holding such meeting ; to call and give like notices of any special meeting of the freeholders or householders of such section, for the filling up of any vacancy in the Trustee Corporation, occasioned by death, removal, or any other cause whatever, or for the selection of a new school site, or for any other school purpose, as they may think proper ; to specify the object or objects of such meeting ; which meeting shall be organized, and its proceedings recorded in the same manner, as those of an annual school meeting ; and a copy of them, in like manner, shall be transmitted to the local Superintendent : Provided always, that in case of a vacancy in the office of any of the Trustees, during the period for which they shall have been respectively elected, the person or persons chosen to fill such vacancy, shall hold office only for the unexpired term.

To fix the place of the school meeting.

To call special meetings.

Mode of conducting special meetings.

Proviso :

Thirteenthly.—To permit all residents in such section between the ages of five and twenty-one years of age, to attend the school, so long as their conduct shall be agreeable to the rules of such school, and so long as the fees or rates required to be paid on their behalf, are duly dis-

To admit persons to attend the school, on conditions.

Exceptions.

charged: Provided always, that this requirement shall not extend to the children of persons in whose behalf a separate school shall have been established, according to the nineteenth section of this Act.

To visit the school, &c.

Fourteenthly.—To visit the school from time to time, and see that it is conducted according to the regulations authorized by law.

To see that proper books are used.

Fifteenthly.—To see that no un-authorized books are used in the school, but that the pupils are duly supplied with an uniform series of text books, sanctioned and recommended according to law; and to procure annually, for the benefit of their school section, some periodical devoted to education.

To be personally responsible in certain cases.

Sixteenthly.—To exercise all the corporate powers vested in them by this Act, for the fulfillment of any contract or agreement made by them; and in case any of the Trustees shall wilfully neglect or refuse to exercise such powers, he or they shall be personally responsible for the fulfilment of such contract or agreement.

To appoint a librarian and provide a library.

Seventeenthly.—To appoint a Librarian, and to take such steps as they may judge expedient, and as may be authorized according to law, for the establishment, safe-keeping, and proper management of a school library, whenever provision shall have been made and carried into effect for the establishment of school libraries.

To ascertain the number of children of school age.

Eighteenthly.—To ascertain the number of children between the ages of five and sixteen years residing in their section on the thirty-first day of December in each year; and to cause to be prepared and read at the annual meeting of their section, their annual school report for the year then terminating, which report shall include, among other things prescribed by law, a full and detailed account of the receipts and expenditures of all school moneys received and expended in behalf of such section, for any purpose whatsoever, during such year; and if such account shall not be satisfactory to a majority of the freeholders or householders present at such meeting, then a majority of the said freeholders or householders shall appoint one person, and the Trustees shall appoint another; and the two arbitrators thus appointed shall examine the said account, and their decision respecting it shall be final: or, if the two arbitrators thus appointed shall not be able to agree, they shall select a third, and the decision of the majority of the arbitrators so chosen shall be final; and such arbitrators, or a majority of them, shall have authority to collect, or cause to be collected, whatever sum or sums may be awarded against any person or persons by them, in the same manner and under the same regulations as those according to which Trustees are authorized by the twelfth section of this Act to collect school-rates; and the sum or sums thus collected shall be expended in the same manner as are other moneys for the common school purposes of such section.

To read the school report.**Proceeding if the account is not satisfactory to the majority of the meeting.****To prepare and transmit the annual school report.**

Nineteenthly.—To prepare and transmit, or cause to be prepared and transmitted annually, before the fifteenth day of January, a report to the Local Superintendent; which report shall be signed by the majority of the Trustees, and made according to a form provided by the Chief Superintendent of Schools, and shall specify:

Contents of such report: time of keeping the school open.

Firstly.—The whole time the school in their section shall have been kept by a qualified Teacher during the year ending the thirty-first day of the previous December.

Amount of moneys received and expended.

Secondly.—The amount of moneys received from the school fund, from local rates or contributions, and from other sources, distinguishing the same; and the manner in which all such moneys have been expended.

Number of children.

Thirdly.—The whole number of children residing in the school section, over the age of five years, and under the age of sixteen; the

number of children and young persons taught in the school in winter and summer, distinguishing the sexes, and those who are over and under sixteen years of age; the average attendance of pupils in both winter and summer.

Attendance of pupils.
Average attendance.

Fourthly.—The branches of education taught in the school; the number of pupils in each branch; the text books used; the number of public school examinations, lectures and visits, and by whom, and such other information respecting the school premises and library, as may be required in the form of a report provided by the Chief Superintendent of Schools.

Branches taught, &c.

XIII. And be it enacted, That every Trustee of a Common School who shall knowingly sign a false report, and every Teacher of a Common School who shall keep a false school register, or make a false return, with the view of obtaining a larger sum than the just proportion of school moneys coming to such Common School, shall, for each offence, forfeit to the Common School Fund of the Township, the sum of five pounds, and may be prosecuted before any such Justice of the Peace, by any person whatever, and convicted on the oath of any one credible witness other than the prosecutor, and if convicted, the said penalty shall, if not forthwith paid, be levied with costs, by distress and sale of the goods and chattels of the offender, under Warrant of such Justice, and paid over by him to the said Common School Fund, or the said offender shall be liable to be tried and punished for the misdemeanor.

Penalty for a false report by a Trustee; or false register or return.

XIV. And be it enacted, That no foreign books in the English branches of Education shall be used in any Model or Common School, without the express permission of the Council of Public Instruction; nor shall any pupil in any such School be required to read or study in or from any religious book, or join in any exercise of devotion or religion which shall be objected to by his or her parents or guardians: Provided always, that within this limitation, pupils shall be allowed to receive such religious instruction as their parents and guardians shall desire, according to the general regulations which shall be provided according to law.

Foreign books when only to be used.

Parental and religious rights.

Provido.

SECONDLY.—COMMON SCHOOL TEACHERS AND THEIR DUTIES.

XV. And be it enacted, That no Teacher shall be deemed a qualified Teacher within the meaning of this Act, who shall not at the time of his engaging with the Trustees, and applying for payment from the School Fund, hold a certificate of qualification, as hereinafter provided by this Act; Provided always, that certificates of qualification given by local Superintendents, shall be in force until the first of January, one thousand eight hundred and fifty-one.

A qualified Teacher defined.

Provido.

XVI. And be it enacted, That it shall be the duty of every Teacher of a Common School—

Duties of Teachers.

Firstly.—To teach diligently and faithfully all the branches required to be taught in the School, according to the terms of his engagement with the Trustees, and according to the provisions of this Act.

To observe the law and agreement.

Secondly.—To keep the daily, weekly, and monthly or quarterly registers of the School; to maintain proper order and discipline therein, according to the forms and regulations which shall be provided according to law; also to keep a Visitors' Book (which the Trustees shall cause to be provided for that purpose) and he shall enter therein the visits made to his school, and shall present such book to each Visitor, and request him to make such remarks as may have been suggested by such visit.

Registers.

Discipline.

Visitors' book, &c.

Thirdly.—To have, at the end of each quarter, a public examination of his school, of which he shall give due notice, through the pupils, to

Quarterly examinations, &c.

their parents and guardians, and the Trustees of the school, and of which he shall also give due notice to any School Visitors who shall reside in or adjacent to such school section.

Information to the Superintendent.

Fourthly.—To furnish to the Local or Chief Superintendent of Schools when desired, any information which it may be in his power to give respecting any thing connected with the operations of his school, or in any wise affecting its interest or character.

To deliver papers, &c.

Fifthly.—To keep carefully, and at the time of his leaving a school, to deliver up to the order of the Trustees, the Registers and Visitors' Book, appertaining to the school: Provided always, that he shall, at all times, when desired by them, give Trustees or Visitors access to such Registers and Visitors' Book.

Proviso.

Protection of Teachers.

XVII. And be it enacted, That any Teacher shall be entitled to be paid at the same rate mentioned in his agreement with the Trustees, even after the expiration of the period of his agreement, until the Trustees shall have paid him the whole of his salary, as Teacher of the school, according to their engagement with him: Provided always, that in case of any difference between Trustees and a Teacher in regard to his salary, the sum due to him, or any other matter in dispute between them, it shall be lawful to submit such matter in dispute to arbitration, and each party shall choose one Arbitrator, and in case either party in the first instance shall neglect or refuse to name and appoint an Arbitrator on his behalf, it shall be lawful for the party requiring such arbitration, by a notice in writing to be served upon the party so neglecting or refusing to make such appointment, to require the opposite party within three days, inclusive of the day of the service of such notice, to name and appoint an Arbitrator on his behalf, which notice shall name the Arbitrator of the party serving such notice; and in case the party upon whom such notice is served shall not, within the three days mentioned in such notice, name and appoint such arbitrator, then the party requiring such arbitration, shall and may nominate and appoint the second arbitrator, and the two Arbitrators in either way chosen, and the Local Superintendent, or any person chosen by him to act on his behalf, in case he cannot attend, or any two of them, shall have full authority to make an award between them, and such award shall be final: Provided always, that, so often as any such submission shall fall through, it shall be lawful to re-submit the matters in dispute until a final award shall be made between them.

Mode of settling any differences between Trustees and Teachers.

THIRDLY.—DUTIES OF TOWNSHIP COUNCILS.

Duties of Township Councils.

XVIII. And be it enacted, That it shall be the duty of the Municipality of each Township in Upper Canada:

Levying assessments for school purposes, as desired by Trustees.

Firstly.—To levy such sum, by assessment, upon the taxable property in any school section, for the purchase of a school-site, the erection, repairs, renting and furnishing of a school-house, the purchase of apparatus and text-books for the school, books for the library, salary of the Teacher, as shall be desired by the Trustees of such school-section, on behalf of the majority of the freeholders or house-holders at a public meeting called for such purpose or purposes, as provided for by the twelfth section of this Act: Provided always, that such Municipality may, if it shall judge expedient, grant to the Trustees of any school section, on their application, authority to borrow any sum or sums of money which may be necessary for the purposes herein mentioned, in respect to school-sites, school-houses and their appendages, or for the purchase or erection of a Teacher's residence, and cause to be levied upon the taxable property in such section, such sum in each year as shall be necessary for the payment of the interest thereon, and as shall be sufficient to pay off the principal within ten years.

Authorising loans for school purposes.

Secondly.—To levy, at its discretion, such sum or sums as it shall judge expedient for procuring the site, and for the erection and support of a Township Model School, and for purchasing books for a Township Library, under such regulations as shall be provided according to law: Provided always, that the Members of the Township Municipality shall be the Trustees of such Model School, and shall possess the powers of Common School Trustees in respect to all matters affecting such Model School: Provided also, that the Trustees of any one or more Common Schools shall have authority, at their discretion, and with the consent of such Council, to merge their school or schools into such Model School; and provided likewise, that tuition to student-teachers in such Model School shall be free.

Establishing a Township Model school.

Members of the Council to be Trustees.

Proviso.

Thirdly.—To form portions of the Township, where no schools have been established, into school sections; to appoint a person in each new school section to call the first school section meeting; and to cause such person to be notified in the manner prescribed in the fourth section of this Act.

Forming new school sections

Fourthly.—To alter any school section already established, and to unite two or more school sections into one, at the request of the majority of the freeholders or householders in each of such sections, expressed at a public meeting called by the Trustees for that purpose: Provided always, that the first election of Trustees in such section, consisting of two or more sections united, shall be appointed and held in the same manner as is provided for in the fourth section of this Act in respect to a new school section: Provided secondly, that any alteration in the boundaries of a school section shall not go into effect before the twenty-fifth day of December next after the time when it shall have been made; nor shall any step be taken towards the alteration of the boundaries of any school section, nor any application be entertained for that purpose, unless it shall clearly appear that all parties affected by such alteration have been duly notified of such intended step or application: Provided thirdly, that the several parts of such united or altered school sections shall have the same claim to a share of the Common School Fund to which they would have been entitled, had they not been altered or united; and provided fourthly, that any school-site, or school-house, or other school property which shall not be required in consequence of such alteration or union of school sections, shall be disposed of by sale or otherwise, in such a manner as a majority of the freeholders or householders in the altered or united school sections shall think proper, at a public meeting called for that purpose, and the proceeds shall be applied to the erection of a new school-house, or other common school purposes of such united or altered sections; except that the inhabitants transferred from one school section to another, shall be entitled, for the common school purposes of the section to which they are attached, to such a proportion of the proceeds of the disposal of such school-house or other common school property, as the assessed value of their property bears to that of the other inhabitants of the school section from which they shall have been separated: Provided fifthly, that union school sections consisting of parts of two or more Townships, may be formed and altered (under the conditions prescribed in this clause in respect to alterations of other school sections,) by the Reeves and Local Superintendent or Superintendents of the Townships out of parts of which such sections are proposed to be formed, at a meeting appointed for that purpose by any two of such Town Reeves; of which meeting the other party or parties authorized to act with them shall be duly notified: Provided sixthly, that each union school section composed of portions of adjoining Townships, shall, for all purposes of Trustee elections and control, be deemed one school section, and shall be considered, in

Altering and uniting school sections.

First meeting in a united section.

Alterations in school sections when to go into effect.

Parties concerned to be apprized.

Privileges of altered sections secured.

Disposal of property.

Union school sections how formed and altered.

Proviso: as to parts of adjoining Township.

respect to superintendence and taxing for the erection of a school-house, as belonging to the Township in which the school-house may be situated.

Copies of certain proceedings to be furnished.

Fifthly. To cause the Clerk of such Township, to furnish the Local Superintendent of Schools with a copy of all the proceedings of such Council relating to the formation or alteration of school sections, all school assessments, and other educational matters.

Separate schools for Protestants, Roman Catholics and Coloured People.

XIX. And be it enacted, That it shall be the duty of the Municipal Council of any Township, and of the Board of School Trustees of any City, Town or incorporated Village, on the application in writing of twelve or more resident heads of families, to authorize the establishment of one or more separate schools for Protestants, Roman Catholics, or coloured people, and, in such case, it shall prescribe the limits of the divisions or sections for such schools, and shall make the same provision for the holding of the first meeting for the election of Trustees of each such separate school or schools, as is provided in the fourth section of this Act for holding the first school meeting in a new school section: Provided always, that each such separate school shall go into operation at the same time with alterations in school sections, and shall be under the same regulations in respect to the persons for whom such school is permitted to be established, as are Common Schools generally: Provided secondly, that none but coloured people shall be allowed to vote for the election of Trustees of the separate school for their children, and none but the parties petitioning for the establishment of, or sending children to a separate Protestant or Roman Catholic School, shall vote at the election of Trustees of such school: Provided thirdly, that each such separate Protestant or Roman Catholic, or coloured school, shall be entitled to share in the school fund according to the average attendance of pupils attending each such separate school, (the mean attendance of pupils for both summer and winter being taken,) as compared with the whole average attendance of pupils attending the Common Schools in such City, Town, Village or Township: Provided fourthly, that no Protestant separate school shall be allowed in any school division except when the Teacher of the Common School is a Roman Catholic, nor shall any Roman Catholic separate school be allowed except when the Teacher of the Common School is a Protestant: Provided fifthly, that the Trustees of the Common School sections within the limits of which such separate school section or sections shall have been formed, shall not include the children attending such separate school or schools, in their return of children of school age residing in their school sections.

Manner of electing Trustees for the same.

And of apportioning school moneys.

Provide: as to certain returns.

All the school sections in a Township under the management of one Board of Trustees.

XX. And be it enacted, That whenever the majority of the resident householders of the several school sections of any Township, at public meetings called by Trustees for that purpose, shall desire to abolish local school section divisions, and have all their schools conducted under one system and one management, like the schools in Cities and Towns, the Municipality of such Township shall have authority to comply with their request thus expressed, by passing a By-law to that effect; and all the Common Schools of such Township shall be managed by one Board of Trustees, one of whom shall be chosen in and for each ward of the Township, if the Township be divided into wards, and if not, then the whole number shall be chosen in and for the whole Township, and invested with the same powers, and subject to the same obligations, as are provided and required, in respect to Trustees in Cities and Towns, by the Twenty-fourth section of this Act.

FOURTHLY—COUNCILS AND TRUSTEES IN CITIES, TOWNS AND INCORPORATED VILLAGES, AND THEIR DUTIES.

Powers of Municipal Councils in Cities & Towns.

XXI. And be it enacted, That the Council or Common Council of such City or incorporated Town in Upper Canada, shall be and is hereby

invested within its limits and liberties as prescribed by law, and shall be subject to the same obligations as are the Municipal Council of each County and the Municipality of each Township by the eighteenth and twenty-seventh sections of this Act: Provided nevertheless, that the appointment of the Local Superintendent of schools for such City or Town, shall be made by the Board of School Trustees for such City or Town.

XXII. And be it enacted, That in each ward into which any City or Town is or shall be divided according to law, two fit and proper persons shall be elected School Trustees by a majority of all the taxable inhabitants of such ward; one of which Trustees (to be determined by lot, at the first Trustee meeting after their election) shall retire from office the second Wednesday of January following his election; and the second of whom shall continue in office one year longer, and until his successor is elected; and the persons thus elected shall form one Board of School Trustees for such City or Town.

Two Trustees in each ward.

Order of retiring from Office.

Board of Trustees.

XXIII. And be it enacted, That on the second Wednesday in January of each year, at the time prescribed by the second section of this Act, one fit and proper person shall be elected Trustee in each ward of every City and Town, and shall continue in office two years, and until his successor is elected; Provided always, that such election shall be held at the place where the last municipal election was held for such ward, and under the direction of the same returning officer, or, in his default, of such person as the electors present shall choose; and such election shall be conducted in the same manner as an ordinary municipal election in each ward of such City or Town.

A Trustee to be elected in each ward of a City or Town.

Election.

XXIV. And be it enacted, That the Board of School Trustees for each City and Town, shall be a corporation under the name of "The Board of School Trustees of the City (or Town) of _____ in the County of _____;" (the first meeting thereof may be called in the City or Town Council room by any Trustee), and it shall be the duty of such Board:

To be a Corporation.

Duties of the Board.

Firstly.—To appoint annually or oftener, a Chairman, Secretary, Superintendent of Schools, and one or more Collectors of school rates, (if required); and to appoint the times and places of their meetings, and the mode of calling them,—of conducting and recording their proceedings,—and of keeping all their School accounts.

To appoint certain Officers, &c.

Secondly.—To take possession of all Common School property, and to accept and hold as a Corporation all property which may have been acquired or given for Common School purposes in such City or Town, by any title whatsoever; to manage or dispose of such property, and all moneys or income for Common School purposes, until the power hereby given shall be taken away or modified by law, and to apply the same, or the proceeds, to the objects for which they have been given or acquired.

To hold school property, &c.

Thirdly.—To do whatever they may judge expedient with regard to purchasing or renting school-sites and premises,—building, repairing, furnishing, warming and keeping in order the school-house or school-houses and its or their appendages, lands, enclosures and moveable property,—for procuring suitable apparatus and text-books,—and for the establishment and maintenance of a school library or school libraries.

To provide common school premises, text-books, &c.

Fourthly.—To determine the number, sites, kind and description of schools which shall be established and maintained in such City or Town,—the Teacher or Teachers who shall be employed,—the terms of employing them,—the amount of their remuneration, and the duties which they are to perform,—the salary of the Superintendent of Schools appointed by them, and his duties; and to adopt, at their discretion,

To determine the number and kind of schools; employ Teachers, &c.

such measures as they shall judge expedient, in concurrence with the Trustees of the County Grammar School, for uniting one or more of the Common Schools of the City or Town with such Grammar School.

A Committee to take the charge of each school.

Fifthly.—To appoint annually, or oftener, if they shall judge expedient, for the special charge, oversight, and management of each school within such City or Town, and under such regulations as they shall think proper to prescribe, a Committee of not more than three persons for each school.

To make an estimate of expenses.

Sixthly.—To prepare from time to time, and lay before the Municipal Council of such City or Town, an estimate of the sum or sums which they shall judge expedient, for paying the whole or part of the salaries of Teachers,—for purchasing or renting school premises,—for building, renting, repairing, warming, furnishing and keeping in order the school-houses and their appendages and grounds,—for procuring suitable apparatus and text-books for the schools,—for the establishment and maintenance of school libraries,—and for all the necessary expenses of the schools under their charge; and it shall be the duty of the Common Council or Council of such City or Town, to provide such sum or sums in such manner as shall be desired by the said Board of School Trustees.

The Municipal Council to provide for such expenses.

To levy school rate bills.

Seventhly.—To levy at their discretion, any rates upon the parents or guardians of children attending any school under their charge, and to employ the same means for collecting such rates, as Trustees of Common Schools in any Townships may do under the twelfth section of this Act: Provided always, that all moneys thus collected shall be paid into the hands of the Chamberlain or Treasurer of such City or Town for the Common School purposes of the same, and shall be subject to the order of the said Board of School Trustees.

The sums thus collected to be paid over.

To give orders for money to Teachers, &c.

Eighthly.—To give orders to Teachers and other school officers and creditors upon the Chamberlain or Treasurer of such City or Town, for the sum or sums which shall be due them.

To call school meetings.

Ninthly.—To call and give notice of annual and special school meetings of the taxable inhabitants of such City or Town, or of any Ward in it, in the same manner and under the same regulations as are prescribed in the twelfth section of this Act, for the appointment of annual and special school meetings in the school sections of Townships; Provided always, that any person elected at any special ward school meeting, to fill a vacancy which shall have occurred in the Board of Trustees, from any cause whatever, shall hold office only during the unexpired part of the term for which the person whose place shall have become vacant, was elected to serve.

As to persons elected to fill vacancies.

Supplying proper text-books, &c.

Tenthly.—To see that all the pupils in the schools are duly supplied with an uniform series of authorized text-books,—to appoint a Librarian, and take charge of the school library or libraries, whenever established.

Further duties.

Eleventhly.—To see that all the schools under their charge are conducted according to the regulations authorized by law; and, at the close of each year, to prepare and publish in one or more of the public papers, or otherwise, for the information of the inhabitants of such City or Town, an annual report of their proceedings, and of the progress and state of the schools under their charge,—of the receipts and expenditure of all school moneys,—and to prepare and transmit annually, before the fifteenth of January, to the Chief Superintendent of Schools, a report, signed by a majority of the Trustees, and containing all the information required in the reports of Common School Trustees by the twelfth section of this Act, and any additional items of information which may be lawfully required, and made according to a form which shall be provided for that purpose by the Chief Superintendent of Schools.

Annual school reports, &c.

Annual report to the Chief Superintendent.

Contents of such report.

XXV. And be enacted, That the Municipality of every incorporated Village, shall possess and exercise all the powers, and be subject to all the obligations with regard to the levying and raising of moneys for Common School purposes, and for the establishment and maintenance of school libraries, within the limits of such incorporated Village, as are conferred and imposed by this Act upon the Municipal Corporations of Cities: Provided always, that on the second Wednesday in January, one thousand eight hundred and fifty-one, in each such incorporated Village, at the place of the then last annual election of Councillors, there shall be a meeting of the taxable inhabitants of such incorporated Village, and which meeting shall be organized and conducted in the same manner as is prescribed in the twenty-third section of this Act, for the conducting of annual school meetings in the wards of Cities and Towns; and at such meeting, six fit and proper persons, from among the resident house-holders, shall be elected School Trustees for such incorporated Village; and the persons thus chosen shall be divided by lot into three classes, of two individuals each, to be numbered one, two, three; the first class shall hold office one year,—the second, two years, and the third, three years, and until their successors are elected; but each Trustee retiring from office shall be eligible to be re-elected with his own consent; Provided secondly, that there shall be a like school meeting annually in each such incorporated Village, at which two persons shall be chosen Trustees in the place of the two retiring from office, and shall continue in office two years, and until their successors are elected: Provided thirdly, that the first annual school meeting in each incorporated Village, shall be called by the Townreeve of such Village, who shall cause notices to be posted in at least six public places of such Village, at least six days before the time of holding such meeting.

XXVI. And be it enacted, That the Trustees elected in each incorporated Village, according to the provisions of the preceding section, shall succeed to all the rights, powers, obligations and liabilities of the present Trustees of such incorporated Village, and shall be a Corporation under the title of the "Board of Trustees of the Incorporated Village of _____, in the County of _____;" and shall possess all the powers, and be subject to all the obligations, within the limits of such incorporated Village, as are conferred and imposed by the twenty-fourth section of this Act upon the Trustees of Cities and Towns.

FIFTHLY.—DUTIES OF COUNTY MUNICIPAL COUNCILS.

XXVII. And be it enacted, That it shall be the duty of the Municipal Council of each County—

Firstly.—To cause to be levied each year upon the several Townships of such County, such sum or sums of money, for the payment of the salaries of legally qualified Common School Teachers, as shall at least be equal (clear of all charges of collection) to the amount of school money apportioned to the several Townships thereof for such year, by the Chief Superintendent of Schools, as notified by him to such Council, through the County Clerk: Provided always, that the sum or sums so levied may be increased at the discretion of such Council, either to increase the County School Fund, or to give special or additional aid to new or needy School Sections, on the recommendation of one or more Local Superintendents: Provided also, that the sum required to be levied in such County in each year, for the salaries of legally qualified Teachers, shall be collected and paid into the hands of the County Treasurer, on or before the Fourteenth day of December; and provided likewise, that in case of the non-payment of any part of such sum into the hands of the County Treasurer at that time, no Teacher shall, upon application, be refused the payment of the sum to which he may be entitled

Powers of Councils of incorporated Villages.

First election of Trustees.

How held and conducted.

Six Trustees to be elected.

Mode of retirement from Office.

Two Trustees to be elected thereafter.

Mode of calling the first meeting.

Trustees thus substituted for the present Trustees.

To be a Corporation.

Their powers, obligations and duties.

Duties of County Councils.

To raise a sum equal to the Legislative school grant.

Such sum may be increased.

Time for payment of County school assessment.

No Teacher to be refused the payment on account of the non-collection of assessment.

To raise money for school library.

To appoint local Superintendents.

No local Superintendent to have charge of more than 100 schools, &c.

To secure all school moneys, &c.

No deduction allowed.

May appoint a sub-treasurer.

To cause school accounts to be audited, &c.

Abstract of such accounts to be transmitted, &c.

County Board of Public Instruction constituted.

Quorum for the examination of Teachers: and for other purposes.

Incidental expenses how defrayed.

from such year's County School Fund, but the County Treasurer shall pay any local Superintendent's lawful order in behalf of such Teacher, in anticipation of the payment of the County School assessment; and the County Council shall make the necessary provision to enable the County Treasurer to pay the amount of such lawful order.

Secondly.—To raise by assessment such sum or sums of money as it shall judge expedient, for the establishment and maintenance of a County Common School Library.

Thirdly.—To appoint annually a Local Superintendent of Schools for the whole County, or for any one or more Townships in such County, as it shall judge expedient; to fix (within the limits prescribed by the thirtieth section of this Act) and provide for the salary or salaries of such Local Superintendent or Superintendents: Provided always, that no such Local Superintendent shall have the oversight of more than one hundred schools; and provided also, that the County Clerk shall forthwith notify the Chief Superintendent of Schools of the appointment and address of each such Local Superintendent, and of the County Treasurer; and shall likewise furnish him with a copy of all proceedings of such Council, relating to School assessments and other educational matters.

Fourthly.—To see that sufficient security be given by all officers of such Council to whom school moneys shall be entrusted,—to see that no deduction be made from the School Fund by the County Treasurer or Sub-treasurer, for the receipt and payment of school moneys,—to appoint, if it shall judge expedient, one or more Sub-treasurers of school moneys, for one or more Townships of such County: Provided always, that each such Sub-treasurer shall be subject to the same responsibilities and obligations in respect to the accounting for school moneys and the payment of lawful orders for such moneys given by any Local Superintendent within the parts of the County for which he is appointed Sub-treasurer, as are imposed by this Act upon each County Treasurer, in respect to paying and accounting for school moneys.

Fifthly.—To appoint annually, or oftener, Auditors, whose duty it shall be to audit the accounts of the County Treasurer and other officers to whom school moneys shall have been intrusted, and report to such Council; and the County Clerk shall transmit to the Chief Superintendent of Schools, on or before the first day of March in each year, a certified copy of the abstract of such report, and also give any explanation relating thereto, as far as he is able, which may be required by the Chief Superintendent.

SIXTHLY.—CONSTITUTION AND DUTIES OF THE COUNTY BOARDS OF PUBLIC INSTRUCTION.

XXVIII. And be it enacted, That the Board of Trustees for the County Grammar School and the Local Superintendent or Superintendents of Schools in each County, shall constitute a Board of Public Instruction for such County: Provided always, that where there is more than one Grammar School in a County, the County Council shall have authority to divide such County into as many Circuits as there are County Grammar Schools, and the Trustees of each County Grammar School and the Local Superintendent or Superintendents of Schools in each circuit, shall be a Board of Public Instruction for such circuit: Provided also, that at any lawful meeting of such Board, not less than three members, including a Local Superintendent of Schools, shall constitute a quorum for examining and giving certificates of qualification to Common School Teachers, and not less than five members shall constitute a quorum for the transaction of any other business: Provided likewise, that the incidental expenses connected with the meeting and proceed-

ings of each County Board of Public Instruction, shall be provided for by the Municipal Council of such County.

XXIX. And be it enacted, That it shall be the duty of each County Board of Public Instruction—

Duties of each County Board.

Firstly.—To meet not less than four times a year,—to determine the time and places of its own meetings,—and the order of its proceedings, and the manner of recording them.

To meet quarterly, &c.

Secondly.—To examine and give certificates of qualification to Teachers of Common Schools, arranging such Teachers into three classes according to their attainments and ability, as shall be prescribed in a programme of examination and instructions to be provided according to law; also, to annul any such certificate as it shall judge expedient: Provided always, that no certificate of qualification shall be given to any person as a Teacher, who shall not furnish satisfactory proof of good moral character; nor to any person who shall not, at the time of applying for such certificate of qualification, be a natural-born or naturalized subject of Her Majesty, or who shall not produce a certificate of having taken the oath of allegiance to Her Majesty, before some one of Her Majesty's Justices of the Peace for the County in which he shall be a resident; and all Justices of the Peace are hereby authorized to administer such oath of allegiance: Provided also, that any such certificate of qualification shall be general, as regards the County, or limited as to time or place, at the pleasure of the majority of the members of the County Board of Public Instruction present at such examination: Provided likewise, that every such certificate shall have the signature of at least one Local Superintendent of Schools.

To examine and give certificates of qualification to Teachers.

Proviso.

Proviso: certificate may be general or limited.

Proviso: must be signed.

Thirdly.—To select (if deemed expedient) from a list of text-books recommended or authorized by the Council of Public Instruction, such books as they shall think best adapted for use in the Common Schools of such County or Circuit, and to ascertain and recommend the best facilities for procuring such books.

To select text-books, &c.

Fourthly.—To adopt all such lawful means in their power as they shall judge expedient, to advance the interests and usefulness of Common Schools, to promote the establishment of School Libraries, and to diffuse useful knowledge in such County or Circuit.

To provide for a County School library: and promote interests of schools.

SEVENTHLY—DUTIES OF LOCAL SUPERINTENDENTS OF SCHOOLS.

XXX. And be it enacted, That each Local Superintendent of Common Schools, appointed as provided for in the twenty-seventh section of this Act, shall be entitled annually, to not less than one pound currency per School placed under his charge, together with any additional remuneration or allowance which the Council appointing him shall grant; and such Superintendent shall be paid the same in quarterly instalments by the County Treasurer.

Remuneration, &c.

To be paid quarterly.

XXXI. And be it enacted, That it shall be the duty of each Local Superintendent of Schools—

Duties.

First.—As soon as he shall have received from the County Clerk a notification of the amount of money apportioned to the Township or Townships within the limits of his charge, to apportion the same among the several School sections entitled to receive it, (unless otherwise instructed by the Chief Superintendent of Schools) according to the rates of the average attendance of pupils attending each Common School, (the mean attendance of pupils for both summer and winter being taken) as compared with the whole average number of pupils attending the Common Schools of such Township.

To distribute the common school fund.

Secondly.—To give to any qualified Teacher, and to no other, on the order of the Trustees of any School section, a Check upon the County

To give checks to Teachers for school moneys.

Conditions.

Treasurer or sub-Treasurer, for any sum or sums of money apportioned and due to such section : Provided always, that he shall not pay any such order of the Trustees of any school section, from whom no satisfactory annual school report shall have been received for the year ending the last day of December preceding ; nor unless it shall appear by such report, that a School has been kept by a qualified Teacher in such section, for at least six months during the year ending at the date of such report ; Provided also, that the foregoing condition shall not apply to the order or orders of Trustees in any new School section, for money apportioned and due to such section.

Conditions not to apply to new school sections.

To visit each school.

Thirdly.—To visit each Common School within his jurisdiction, at least once in each quarter ; and at the time of each such visit, to examine into the state and condition of the School, as respects the progress of the pupils in learning,—the order and discipline observed,—the system of instruction pursued,—the mode of keeping the School Registers,—the average attendance of pupils, the character and condition of the building and premises,—and to give such advice as he shall judge proper.

Duties at such visitations.

To deliver public lectures.

Fourthly.—To deliver in each school section, at least once a year, a public lecture on some subject connected with the objects, principles and means of practical education ; and to do all in his power to persuade and animate Parents, Guardians, Trustees and Teachers, to improve the character and efficiency of the Common Schools, and secure the universal and sound education of the young.

Topics.

Other duties.

To enforce the law.

Fifthly.—To see that all the schools are managed and conducted according to law,—to prevent the use of unauthorized, and to recommend the use of authorized books in each school,—to acquire and give information as to the manner in which such authorized books can be obtained, and the economy and advantages of using them.

To recommend the use of text-books, &c.

To attend the meetings of the County Board of Instruction, &c.

Sixthly.—To attend the meetings of the County Board of Public Instruction,—to meet and confer with the Chief Superintendent of Schools at such time and place as he may appoint when making an official visit to such County, for the promotion of the interests of Education.

To attend arbitrations.

Seventhly.—To attend the Arbitrations, and to meet the Townsrees as provided for in the twelfth and eighteenth sections of this Act,—to decide upon any other questions of difference which may arise between interested parties under the operation of this or any preceding Act, and which may be submitted to him ; Provided always, that he may, if he shall deem it advisable, refer any such question to the Chief Superintendent of Schools : Provided also, that any aggrieved or dissatisfied party, in any case not otherwise provided for by this Act, shall have the right of appeal to the Chief Superintendent of Schools.

To decide other questions.

Or refer them to the Chief Superintendent.

Proviso : for appeal.

To suspend certificates of qualification in certain cases.

Eighthly.—To suspend the certificate of qualification of any Teacher, for any cause which shall appear to him to require it, until the next ensuing meeting of the County Board of Public Instruction, where the case shall be disposed of in such manner as a majority of the members present shall think proper : Provided always, that due notice shall be given to the Teacher suspended, of such meeting of the County Board : Provided also, that the cancelling or suspension of a Teacher's certificate of qualification shall release his School Trustees from any obligation to continue him in their employment.

Effect of such cancelling.

To observe all lawful regulations, &c., give information to Chief Superintendent, and accounts, &c., to auditors.

Ninthly.—To act in accordance with the regulations and instructions which shall be provided according to law,—to give any information in his power (when desired) to the Chief Superintendent of Schools respecting any Common School matter within his jurisdiction,—to furnish the County Auditors, when required, with the Trustees' orders as

the authority for his Checks upon the County or Sub-Treasurer for School moneys,—to deliver copies of his official correspondence, and all school papers in his custody, to the order of the County Council on retiring from office.

Tenthly.—To prepare and transmit to the Chief Superintendent of Schools, on or before the first day of March, an annual report, which shall be in such form as shall be provided by the said Chief Superintendent, and which shall state :

To transmit an annual school report.

1st.—The whole number of Schools and School sections or parts of sections in each Township within his jurisdiction.

Contents of such report.

2nd.—The number of pupils taught in each school over the age of five and under the age of sixteen,—the number between the ages of sixteen and twenty-one years,—the whole number of children residing in each section, or part of a section, over the age of five and under the age of sixteen years.

Number of schools and of children of school age, &c.

3rd.—The length of time a school shall have been kept in each of such sections or parts of sections, by a qualified Teacher,—the branches taught,—the number of pupils in each branch, and the books used,—the average attendance of pupils, both male and female, in summer and in winter.

Time of keeping the schools open : branches taught.
Books used, &c.

4th.—The amount of moneys which have been received and collected in each section or part of section—distinguishing the amount apportioned by the Chief Superintendent of Schools, the amount received from County Assessment, the amount raised by Trustees, and the amount from any other and what source or sources ; also how such moneys have been expended, or whether any part remains unexpended, and from what causes ; the annual salary of Teachers, male and female, with and without board.

The amount of moneys received and expended, &c.

5th.—The number of his and other School visits during the year,—the number of school lectures delivered,—the whole number of school-houses, their sizes, character, furniture and appendages, the number rented, the number erected during the year, and of what character, and by what means.

The number of school visits and lectures.
Of school houses, &c.

6th.—The number of qualified Teachers,—their standing, sex, and religious persuasion,—the number, so far as he may be able to ascertain, of private Schools,—the number of pupils and subjects taught therein,—the number of Libraries, their extent, how established and supported ; also, any other information which he may possess respecting the educational state, wants and advantages in each Township of his charge, and any suggestions which he shall think proper to make with a view to the improvement of Schools and diffusion of useful knowledge.

Of Teachers, &c.

Of private schools, libraries &c.

EIGHTHLY.—SCHOOL VISITORS AND THEIR DUTIES.

XXXII. And be it enacted, That all Clergymen recognized by law, of whatever denomination, Judges, Members of the Legislature, Magistrates, Members of County Councils and Aldermen, shall be School Visitors in the Townships, Cities, Towns and Villages where they shall respectively reside : Provided always, that persons holding the Commission of the Peace for the County only, shall not be School Visitors within Towns and Cities : Provided also, that each Clergyman shall be a School Visitor in any Township, Town or City where he may have pastoral charge.

Who shall be school visitors.

Provide : as to County Magistrates.

XXXIII. And be it enacted, That it shall be lawful for each of the said School Visitors, to visit, as far as practicable, all the Public Schools in such Township, City, Town or Village ; especially to attend the quarterly examinations of Schools, and, at the time of any such visit, to examine the progress of the pupils, and the state and management of the School, and to give such advice to the Teachers and pupils, and any

School visitors may visit the schools, attend examinations of each school, &c.

Proviso: general meetings may be called.

Duties and objects of such meetings.

others present, as he may think advisable, in accordance with the regulations and instructions which shall be provided in regard to School Visitors according to law: Provided always, that a General Meeting of such Visitors may be held at any time or place which may be appointed by any two Visitors, on sufficient notice being given to the other Visitors in the Township, City, Town or Village, and it shall be lawful for such Visitors, thus assembled, to devise such means as they may deem expedient for the efficient visitation of the Schools, and to promote the establishment of Libraries and the diffusion of useful knowledge.

NINTHLY.—DUTIES OF THE CHIEF SUPERINTENDENT OF SCHOOLS.

Chief Superintendent of schools.

His salary.

XXXIV. And be it enacted, That the Governor may, from time to time, by Letters Patent under the Great Seal of the Province, appoint a fit and proper person to be Chief Superintendent of Schools for Upper Canada, who shall hold his office during pleasure, and shall receive a salary of the same amount as that now provided by law, or as may hereafter be provided by law, for the Superintendent of Education in Lower Canada; and shall be responsible to, and subject to the direction of the Governor-General, communicated to him through such Department of Her Majesty's Provincial Government, as by the Governor may be directed in that behalf; and shall account for the contingent expenses of his office, as provided in respect of other public offices; and shall be allowed two Clerks, who shall receive the same salaries as are or shall be by law attached to similar offices in the education law for Lower Canada, to commence from the first of July, one thousand eight hundred and fifty.

To account for the contingent expenses of his Office.

To be allowed two clerks; their salaries.

Duties.

XXXV. And be it enacted, That it shall be the duty of the Chief Superintendent of Schools—

To apportion all moneys granted for the support of common schools.

Firstly.—To apportion, annually, on or before the first day of May, all moneys granted or provided by the Legislature for the support of Common Schools in Upper Canada, and not otherwise appropriated by this Act, to the several Counties, Townships, Cities, Towns and incorporated Villages therein, according to the ratio of population in each, as compared with the whole population of Upper Canada; or when the census or returns upon which such an apportionment is to be made, shall be so far defective, in respect to any County, Township, City, Town or Village, as to render it impracticable for the Chief Superintendent to ascertain from such data the share of school moneys which ought then to be apportioned to such County, Township, City, Town or Village, he shall ascertain, by the best evidence in his power, the facts upon which the ratio of such apportionment can be most fairly and equitably made, and make it accordingly.

To certify such apportionment to the Inspector General, &c.

Secondly.—To certify such apportionment made by him to the Inspector-General, so far as it relates to the several Counties, Cities, Towns and incorporated Villages in Upper Canada, and to give immediate notice thereof to the Clerk of each County, City, Town and Village interested therein, stating the time when the amount of moneys thus apportioned will be payable to the Treasurer of such County, City, Town or Village.

To prepare forms &c., and transmit them to local Officers.

Thirdly.—To prepare suitable forms, and to give such instructions as he shall judge necessary and proper, for making all reports, and conducting all proceedings under this Act, and to cause the same with such general regulations, as shall be approved of by the Council of Public Instruction, for the better organization and government of Common Schools, to be transmitted to the officers required to execute the provisions of this Act.

To cause copies of school law, regulations, &c., to be distributed.

Fourthly.—To cause to be printed from time to time, in a convenient form, so many copies of this Act, with the necessary forms, instructions,

and regulations to be observed in executing its provisions, as he may deem sufficient for the information of all officers of Common Schools, and to cause the same to be distributed for that purpose.

Fifthly.—To see that all moneys apportioned by him, be applied to the objects for which they were granted; and for that purpose, to decide upon all matters and complaints submitted to him (and not otherwise provided for by this Act) which involve the expenditure of any part of the School Fund; and to direct the application of such balances of the School Fund as may have been apportioned for any year and forfeited according to the provisions of this Act: Provided always, that such balance of the School Fund shall be expended in making up the salaries of Teachers in the County to which they shall have been apportioned.

To see that school moneys are duly applied.

Disposal of balances of such moneys, &c., in certain cases.

Sixthly.—To appoint one of his Clerks as his Deputy, to perform the duties of his office in case of his absence; and to appoint one or more persons, as he shall, from time to time, deem necessary, to inspect any school, or examine into any school matter, in the County where such person or persons reside, and report to him: Provided, that no allowance or compensation shall be made to such special inspector or inspectors for any service or services performed by him or them.

To appoint a Deputy and Special Inspectors.

Seventhly.—To take the general Superintendence of the Normal School; and to use his best endeavours to provide for and recommend the use of uniform and approved text-books in the Schools generally.

Duties as to the Normal school: and text-books.

Eighthly.—To employ all lawful means in his power to procure and promote the establishment of School Libraries for general reading, in the several Counties, Townships, Cities, Towns and Villages,—to provide and recommend the adoption of suitable plans of School-houses, with the proper furniture and appendages,—and to collect and diffuse useful information on the subject of education generally, among the people of Upper Canada.

School libraries.

Plans of school houses, &c.

Ninthly.—To submit to the Council of Public Instruction, all books or manuscripts which may be placed in his hands with the view of obtaining the recommendation or sanction of such Council, for their introduction as text-books or library books,—and to prepare and lay before the Council of Public Instruction, for its consideration, such general regulations for the organization and government of Common Schools, and the management of School Libraries, as he shall deem necessary and proper.

To submit books, manuscripts &c., for approval.

To prepare general regulations, &c.

Tenthly.—To apportion whatever sum or sums of money shall be provided by the Legislature for the establishment and support of School Libraries: Provided also, that no aid shall be given towards the establishment or support of any School Library unless an equal amount be contributed and expended from local sources for the same object.

To apportion moneys for school libraries. Proviso: condition of such apportionment.

Eleventhly.—To appoint proper persons to conduct County Teachers' Institutes, and to furnish such rules and instructions as he shall judge advisable in regard to the proceedings of such Institutes, and the best means of promoting their objects, in elevating the profession of school teaching and increasing its usefulness.

To appoint persons to conduct Teachers' Institutes, &c.

Twelfthly.—To be responsible for all moneys paid through him in behalf of the Normal and Model Schools, and to give such security for the same as shall be required by the Governor,—and to prepare and transmit all correspondence which shall be directed or authorized by the Council of Public Instruction for Upper Canada.

To account for moneys, &c.

Thirteenthly.—To make annually to the Governor, on or before the first day of July, a report of the actual state of the Normal, Model and Common Schools throughout Upper Canada, showing the amount of moneys expended in connection with each, and from what sources

To report annually to the Governor.

derived, with such statements and suggestions for improving the Common Schools and the Common School laws, and promoting education generally, as he shall deem useful and expedient.

TENTHLY.—CONSTITUTION AND DUTIES OF THE COUNCIL OF PUBLIC INSTRUCTION.

Council of Public Instruction for U. C.

Of whom to consist.

XXXVI. And be it enacted, That the Governor shall have authority to appoint not more than nine persons (of whom the Chief Superintendent of Schools shall be one) to be a Council of Public Instruction for Upper Canada, who shall hold their office during pleasure, and shall be subject from time to time to all lawful orders and directions in the exercise of their duties, which shall from time to time be issued by the Governor.

Providing a place and defraying expenses of the meetings of such Council, &c.

XXXVII. And be it enacted, That the Chief Superintendent of Schools shall provide a place for the meetings of the Council of Public Instruction, and shall call the first meeting of the Council, and shall have authority to call a special meeting at any time by giving due notice to the other members; that the expenses attending the proceedings of the said Council, shall be accounted for by the Chief Superintendent of Schools as part of the contingent expenses of the Education Office; that the Senior Clerk in the Education Office shall be Recording Clerk to the said Council,—shall enter all its proceedings in a book kept for that purpose,—shall, as may be directed, procure the books and stationery for the Normal and Model Schools, and shall keep all the accounts of the said Council.

Clerk to the Council.
His duties.

Duties of the Council.

XXXVIII. And be it enacted, That it shall be duty of the said Council of Public Instruction, (three members of which, at any lawful meeting, shall form a quorum for the transaction of business)—

To regulate its own proceedings.

First.—To appoint a Chairman, and establish the times of its meetings, and the mode of its proceedings; which Chairman shall be entitled to a second or casting vote in cases of an equality of votes on any question.

To provide for permanent establishment and efficiency of Normal School.

Secondly.—To adopt all needful measures for the permanent establishment and efficiency of the Normal School for Upper Canada, containing one or more Model Schools for the instruction and training of Teachers of Common Schools in the science of Education and Art of Teaching.

To make rules for the Normal School: prescribe terms of admission, &c.

Thirdly.—To make from time to time the rules and regulations necessary for the management and government of such Normal School, —to prescribe the terms and conditions on which students shall be received and instructed therein,—to select the location of such school, and erect or procure and furnish the buildings therefor,—to determine the number and compensation of teachers, and all others who may be employed therein; and to do all lawful things which such Council shall deem expedient to promote the objects and interests of such school.

To appoint Teachers, &c.

To make regulations for the government of common schools.

Fourthly.—To make such regulations from time to time as it shall deem expedient for the organization, government and discipline of Common Schools,—the classification of Schools and Teachers, and for School Libraries throughout Upper Canada.

To examine and recommend books.

Fifthly.—To examine, and at its discretion, recommend or disapprove of text-books for the use of schools, or books for School Libraries: Provided always, that no portion of the Legislative School Grant shall be applied in aid of any school in which any book is used that has been disapproved of by the Council, and public notice given of such disapproval.

Proviso.

To account annually Grant for the Normal School.

Sixthly.—To transmit annually, through the Chief Superintendent of Schools, to the Governor, to be laid before the Legislature, a true account

of the receipt and expenditure of all moneys granted for the establishment and support of the Normal School.

ELEVENTHLY.—MISCELLANEOUS PROVISIONS.

XXXIX. And be it enacted, That a sum not exceeding Fifteen Hundred Pounds per annum shall be allowed out of the Legislative School Grant for the salaries of officers and other contingent expenses of the Normal School; and that a sum not exceeding one thousand pounds per annum be allowed out of the said grant to facilitate the attendance of Teachers in training at the Normal School, under such regulations as shall from time to time be adopted by the Council of Public Instruction.

Grant for the Normal school.

And to facilitate the attendance of Teachers.

XL. And be it enacted, That the sum of money apportioned annually by the Chief Superintendent of Schools to each County, Township, City, Town or Village, and at least an equal sum raised annually by local assessment, shall constitute the Common School Fund of such County, Township, City, Town or Village, and shall be expended for no other purpose than that of paying the salaries of qualified Teachers of Common Schools: Provided always, that no County, City, Town or Village shall be entitled to a share of the Legislative School Grant without raising by assessment a sum at least equal (clear of all charges for collection) to the share of the said School Grant apportioned to it; and provided also, that should the Municipal Corporation of any County, City, Town or Village, raise in any one year a less sum than that apportioned to it out of the Legislative School Grant, the Chief Superintendent of Schools shall deduct a sum equal to the deficiency, from the apportionment to such County, City, Town or Village in the following year.

Common school funds constituted.

Conditions of apportionment.

XLI. And be it enacted, That it may and shall be lawful for the Governor in Council, to authorize the expenditure annually, out of the share of the Legislative School Grant coming to Upper Canada, of a sum not exceeding three thousand pounds, for the establishment and support of School Libraries, under such regulations as are provided for by this Act; of a sum not exceeding twenty-five pounds in any County or Riding for the encouragement of a Teacher's Institute, under the regulations hereinbefore provided; and of a sum not exceeding two hundred pounds in any one year to procure plans and publications for the improvement of School Architecture and practical Science in connexion with the Common Schools: Provided always, that the amount heretofore apportioned in aid of common schools to the several Counties, Cities, Towns and Villages in Upper Canada, shall not be lessened by the appropriation of such sums, but they shall be taken out of any additional amount awarded to Upper Canada, out of the said Grant, in consideration of the increase of its population in proportion to that of the whole Province.

Certain sums to be expended for school libraries, &c.

Proviso: the amount heretofore apportioned in aid of common schools, not to be lessened.

XLII. And be it enacted, That the sum of money annually apportioned in aid of Common Schools in the several Counties, Cities, Towns and Villages in Upper Canada, shall be payable on or before the first day of July, in each year, to the Treasurer of each County, City, Town and Village, in such way as the Governor in Council shall from time to time direct.

Moneys apportioned when to be payable.

XLIII. And be it enacted, That if any part of the Common School Fund shall be embezzled or lost through the dishonesty or faithlessness of any party to whom it shall have been entrusted, and proper security against such loss shall not have been taken, the person or persons whose duty it was to have exacted such security, shall be responsible for the sum or sums thus embezzled or lost, and the same may be recovered from them by Civil Suit in any Court of Law having jurisdiction to the

Protection of the common school fund against loss.

Certificates of qualification for U. C. may be granted to Teachers under certain circumstances.

Proviso.

Proviso: Proceedings if any Secretary-Treasurer shall wrongfully hold over money, chattels, &c.

amount claimed, by the party or parties entitled to receive such sum or sums, or at the suit of the Crown.

XLIV. And be it enacted, That it may and shall be lawful for the Chief Superintendent of Schools, on the recommendation of the Teachers in the Normal School, to give to any Teacher of Common Schools a certificate of qualification which shall be valid in any part of Upper Canada, until revoked according to Law; Provided always, that no such certificate shall be given to any person who shall not have been a student in the Normal School; Provided always, that if any Secretary-Treasurer appointed by the School Trustees of any school division, or any person having been such Secretary-Treasurer, and having in his possession any books, papers, chattels, or moneys, which shall have come into his possession, as such Secretary-Treasurer, shall wrongfully withhold or refuse to deliver up, or to account for and pay over the same or any part thereof to such person, and in such manner as he may have been lawfully directed by any majority of the School Trustees for such School division then in office, such withholding or refusal shall be a misdemeanor; and upon the application of the majority of such Trustees, supported by affidavit of such wrongful withholding or refusal made by them before some Justice of the Peace, to the Judge of the County Court, such Judge shall thereupon make an order that such Secretary-Treasurer or person having been such, do appear before such Judge at a time and place to be appointed in such order, which shall, by a Bailiff of any Division Court, be personally served on the party complained against, or left with a grown-up person at his residence, and at the time and place so appointed, the Judge being satisfied that such service has been made, shall, in a summary manner, and whether the party complained of do or do not appear, hear the complaint; and if he shall be of opinion that the complaint is well founded, he shall order the party complained of to deliver up, account for and pay over the books, papers, chattels or moneys as aforesaid by a certain day to be named by the Judge in such order, together with reasonable costs incurred in making such application, as the Judge may tax, and in the event of a non-compliance with the terms specified in the said order or any or either of them, then to order the said party to be forthwith arrested by the Sheriff of any County in which such party shall be found, and be by him committed to the Common Gaol of his County, there to remain without bail or mainprize until such Judge shall be satisfied that such party has delivered up, accounted for or paid over the books, papers, chattels or moneys in question in the manner directed by the majority of the Trustees as aforesaid, upon proof of his having done which, such Judge shall make an order for his discharge, and he shall be discharged accordingly; Provided always, that no proceeding under this proviso shall be construed to impair or affect any other remedy which the said Trustees may have against such Secretary-Treasurer, or person having been such, or his sureties.

Proviso.

Salaries of Superintendents, &c., how paid.

XLV. And be it enacted, That no part of the salaries of the Chief or Local Superintendent of Schools, nor of any other persons employed, or expenses incurred, in the execution of this Act, shall be paid out of the Common School Fund, which shall, wholly and without diminution, be expended in the payment of Teachers' salaries as hereinbefore provided.

Punishment of persons disturbing meetings, &c.

XLVI. And be it enacted, That any person who shall wilfully disturb, interrupt, or disquiet the proceedings of any school meeting authorized to be held by this Act, or any school established and conducted under its authority, shall, for each offence, forfeit, for Common School purposes, to the School Section, City, Town or Village, within the limits of which such offence shall have been committed, a sum not exceeding five pounds, and may be prosecuted before any Justice of

the Peace, by any person whatever, and convicted on the oath of one credible witness other than the prosecutor, and if convicted, the said penalty shall, if not forthwith paid, be levied with costs by distress and sale of the goods and chattels of the offender, under a Warrant of such Justice, and paid over by him to the School-Treasurer of such Section, City, Town or Village; or the said offender shall be liable to be indicted and punished for the same as a misdemeanor.

XLVII. And be it enacted, That the first election of Trustees in all the Cities and Towns of Upper Canada, as provided for in the twenty-second section of this Act, shall commence at ten of the clock in the forenoon of the first Tuesday in September, one thousand eight hundred and fifty, and that the places of election in the several Wards of each City or Town, together with the name of the Returning Officer for each such Ward, shall be duly notified, by causing notices to be put up in at least three public places in each such Ward, and not less than six days before such election, by the Mayor of each City and Town respectively: Provided always, that the School Trustees then elected in each City and Town, shall be subject to all the obligations which have been contracted by the present School Trustees of such City or Town; and shall be invested with all the powers conferred by this Act on School Trustees of Cities and Towns for the fulfilment of such obligations, and for the performance of all other duties imposed by this Act; and the word "County" shall include Unions of Counties for Municipal purposes.

Temporary provisions for holding the first elections in Cities and Towns.

XLVIII. And be it enacted, That the Interpretation Act shall apply to this Act; that the word "Teacher," shall include female as well as male teachers; that the word "Townships" shall include Unions of Townships made for Municipal purposes.

Interpretation clause.

ACT 12 VIC. CAP. 200.

An Act to raise an Income of One Hundred Thousand Pounds out of the Public Lands of Canada, for Common School Education.

[Royal Assent promulgated by Message to the Legislature, 27th May, 1850.]

WHEREAS it is desirable that an annual sum of one hundred thousand pounds should be raised from the Public Lands of this Province, for the maintenance and support of Common Schools therein, and that so much of the first moneys to be raised by the sale of such Lands as shall be sufficient to create a Capital which shall produce the said annual sum of one hundred thousand pounds at the rate of six per cent. per annum, should be set apart for that purpose: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent, &c., That all moneys that shall arise from the sale of any of the Public Lands of the Province, shall be set apart for the purpose of creating a capital which shall be sufficient to produce a clear sum of one hundred thousand pounds per annum, which said Capital and the Income to be derived therefrom shall form a public fund to be called the Common School Fund.

Preamble.

All moneys arising from the Sale of any Public Lands appropriated to form a School Fund, until they amount to a certain sum.

II. And be it enacted, That the Capital of the said Fund shall from time to time be invested in the Debentures of any Public Company or Companies in the Province, which may have been incorporated by an Act of the Legislature, for the construction of Works of a public nature, and which said Company or Companies shall have subscribed their

How such moneys shall be invested.

Stock of Public Companies.

Provincial Debentures.

To what purposes only such moneys shall be applied.

One Million of Acres to be set apart for the purposes of forming the said Fund.

Proviso: certain charges to be first paid.

Present Annual Grant for Schools to cease when the said Fund shall produce £50,000 a year.

Proviso. In the mean time the income of the said Fund to be applied towards paying the said Annual Grant.

Proviso: If the said Fund produce less than £50,000 in any year, the deficiency shall be made up, *pro tempore*.

whole Capital Stock, paid up one half of such Stock and completed one half of such Work or Works, or in the Public Debentures of this Province, for the purpose of creating such Annual Income; which said Fund and the Income thereof shall not be alienated for any other purpose whatever, but shall be and remain a perpetual Fund for the support of Common Schools, and the establishment of Township and Parish Libraries.

III. And be it enacted, That the Commissioner of Crown Land under the direction of the Governor in Council, shall set apart and appropriate one million of Acres of such Public Lands, in such part or parts of the Province as he may deem expedient, and dispose thereof on such terms and conditions as may by the Governor in Council be approved, and the money arising from the sale thereof shall be invested and applied towards creating the said Common School Fund: Provided always, that before any appropriation of the moneys arising from the sale of such Lands shall be made, all charges thereon for the management or sale thereof, together with all Indian annuities charged upon and payable thereout, shall be first paid and satisfied.

IV. And be it enacted, That so soon as a net Annual Income of fifty thousand pounds shall be realized from the said School Fund, the Public grant of money paid out of the Provincial Revenue for Common Schools, shall for ever cease to be made a charge on such revenue; Provided always nevertheless, that in the mean time the interest arising from the said School Fund so to be created as aforesaid, shall be annually paid over to the Receiver General, and applied towards the payment of the yearly grant of fifty thousand pounds now appropriated for the support of the Common Schools: Provided further, that after the said annual sum of fifty thousand pounds shall have been taken off the Consolidated Revenue, if the income arising from the said School Fund shall from any cause whatever fall short of the annual sum of fifty thousand pounds, then it shall and may be lawful for the Receiver General of the Province, to pay out of the said Consolidated Revenue, such sum or sums of money as may from time to time be required to make up such deficiency, the same to be repaid so soon as the said Income of the said School Fund shall exceed the said sum of fifty thousand pounds.

GRAMMAR SCHOOLS.

ACT 47, GEO. 3, CAP. 6.

An Act to establish Public Schools in each and every District of this Province.

[Passed 10th March, 1807.]

MOST GRACIOUS SOVEREIGN:

Preamble.

(See 48 Geo. III., Ch. 16; 50 Geo. III., Sess. 2, Ch. 4; 2 Vic. ch. 10)

The sum of eight hundred pounds to be annually paid for the establishment of public schools.

WHEREAS it is considered expedient that some means be devised for the education of youth—May it therefore please your Majesty, that it be enacted; And it is hereby enacted by the King's most Excellent Majesty, by and with the advice and consent &c., That for the establishment of Public Schools in this Province, the sum of eight hundred pounds shall be annually paid, in manner herein after mentioned, out of any monies which are now raised or levied, or which hereafter may be raised or levied, by authority of Parliament, to or for the uses of this Province.

II. And be it further enacted by the authority aforesaid, That there shall be one Public School in each and every District of this Province; and

that out of the said sum of eight hundred pounds, annually so appropriated as aforesaid, the annual sum of *one hundred pounds* shall be paid to each and every Teacher, who shall be nominated and appointed to any of the said Public Schools in this Province, for the education of youth, in manner hereinafter mentioned.

III. *And be it further enacted by the authority aforesaid*, That the public school for the Western District, shall be opened and kept in the Town of Sandwich, and the public school for the District of London, shall be opened and kept in the *Township of Townsend*, at such place as the Trustees, or the majority of them, shall think proper to appoint; and that the public school for the District of Niagara, shall be opened and kept in the Town of Niagara: and that the public school for the Home District, shall be opened and kept in the Town of York; and that the public school for the District of Newcastle, shall be opened and kept in the Township of Hamilton, at such place as the Trustees, or the majority of them, shall think proper to appoint; and that the public school for the Midland District shall be opened and kept in the Town of Kingston; and that the public school for the District of *Johnstown*, shall be opened and kept in the Township of Augusta, at such place as the Trustees, or the majority of them, shall think proper to appoint; and that the public school for the Eastern District, shall be opened and kept in the Town of Cornwall.

IV. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, to appoint from time to time, not less than five fit and discreet persons in each and every District of this Province, Trustees to the said public schools, which said Trustees or the majority of them, shall have full power and authority to nominate a fit and discreet person as Teacher thereof, and to examine into the moral character, learning and capacity of such person so nominated; and being satisfied with the moral character, learning and capacity of such person, it shall and may be lawful for the said Trustees or the majority of them, to report such their nomination to the Governor, Lieutenant Governor, or person administering the Government of this Province, either to affirm or disaffirm such nomination as aforesaid; *Provided always*, that the said Trustees, or the majority of them, shall have full power and authority, in their discretion, to remove such Teacher, from his public school, for any misdemeanor or impropriety of conduct; and that it shall and may be lawful for the said Trustees, or the majority of them, in each and every District of this Province, in case of the demise, dismissal or removal of any Teacher of the said public schools, to nominate and appoint, as often as the case may require, one other fit and discreet person, as a Teacher to the said public school, which Trustees, or the majority of them, previous to such nomination and appointment as aforesaid, shall examine into the moral character, learning and capacity of such Teacher, and being satisfied therewith, such appointment shall be immediately transmitted to the Governor, Lieutenant Governor, or person administering the Government of this Province, either to approve or disapprove of the same.

V. *And be it further enacted by the authority aforesaid*, That the Trustees appointed under and by virtue of this Act, in each and every District of this Province, or the majority of them, shall have full power and authority to make such rules and regulations for the good government and management of the said public schools, with respect to the Teacher, for the time being, and to the Scholars, as in their discretion shall seem meet.

VI. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Governor, Lieutenant Governor, or person,

One public school in every District. £100 to be paid annually to every teacher of such public school.

(See 50 Geo. III. Sess. 2. Ch. 4, Sec. 11.)

Places where the said public schools are to be kept in each respective District.

(See 48 Geo. III. Ch. 16, Sec. 1.)

(See 50 Geo. III. Sess. 2. Ch. 4.)

The Governor, Lieutenant Governor, or person administering the government, to appoint Trustees in every District, for said schools. Trustees to nominate a fit person as Teacher, and to report their nomination to the Governor, &c., who may either affirm or reject such nomination.

Trustees may remove any Teacher and nominate another and report as aforesaid.

Governor, &c., may either approve or disapprove of such last mentioned nomination.

Trustees authorized to make rules and regulations respecting said schools.

Mode of payment of the salaries of the said Teachers.

(See 59 Geo. III, Sess. 2, Ch. 4.)

Continuance of this Act.

administering the Government of this Province, from time to time, to issue his warrant to the Receiver General of this Province, for the payment of such yearly salary or salaries, half yearly, as shall or may from time to time be due to any Teacher or Teachers appointed under this Act, upon such Teacher or Teachers producing a certificate signed by the Trustees, or the majority of them, of the District in which he shall have so taught or educated youth, of his having faithfully demeaned himself in his office as a Teacher as aforesaid, for and during such time as he shall so require payment for his service.

VII. [Repealed by 48th Geo. III. Chap. 16.]

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ACT 48, GEO. 3, CAP. 16.  
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An Act to amend an Act passed in the forty-seventh year of His Majesty's Reign, intituled, "An Act to establish Public Schools in each and every District of this Province."

[Passed 16th March, 1808.]

Preamble.

Such part of the 47th of Geo. III. Ch. 6, as respects the District of London repealed.

Place where the school for that District shall be opened and kept.

Such part of the said 47th of Geo. III. as limits its duration repealed.

WHEREAS an Act passed in the forty-seventh year of His Majesty's reign, intituled, "An Act to establish Public Schools in each and every District of this Province," requires to be amended; *Be it therefore enacted &c.*, That so much of the said Act as enacts, that the Public School for the District of London shall be opened and kept in the Township of Townsend, shall be, and the same is hereby repealed.

II. [Superseded by 7th Wm. IV. Ch. 106.]

III. *And be it further enacted by the authority aforesaid*, That so much of the said Act as limits the duration of it to four years, and from thence to the end of the then next ensuing session of Parliament, shall be, and the same is hereby repealed,

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ACT 59, GEO. 3, CAP. 4.  
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An Act to repeal part of and to amend the Laws now in force for establishing Public Schools in the several Districts of this Province, and to extend the provisions of the same.

[Passed 12th July, 1819.]

MOST GRACIOUS SOVEREIGN :

Preamble.

17th Geo. III. Chap. 6, recited ;

A District School established in the District of Gore.

£150 per annum appropriated to pay the salary of the Teacher.

WHEREAS it hath been found expedient to repeal part of and to amend an Act passed in the forty-seventh year of His Majesty's reign, intituled, "An Act to establish Public Schools in each and every District of this Province," and to extend the provisions of the same ; *Be it therefore enacted by the King's most Excellent Majesty, by and with the advice &c.*, That provision be made by Law for the establishing of a Public School in the District of Gore.

II. *And be it further enacted by the authority aforesaid*, That from and out of the rates and duties raised, levied and collected, or hereafter to be raised, levied and collected, to and for the public uses of this Province, and unappropriated, there be granted annually to His Majesty, His Heirs and Successors, the sum of one hundred pounds, which sum of one hundred pounds shall be appropriated and applied and disposed of in paying the salary of the Teacher of the said School ; which said sum of one hundred pounds shall be paid by the Receiver General of this Province, in discharge of such warrant or warrants as shall for that purpose be issued by the Governor, Lieutenant-Governor, or Person administering the Government of this Province, and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Com-

missionaries of His Majesty's Treasury, for the time being, in such manner and form as His Majesty, His Heirs and Successors, shall be pleased to direct.

III. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful to and for the Governor, Lieutenant-Governor or Person Administering the Government of this Province, to appoint Trustees and a Teacher in the said District of Gore, under the like provisions as are contained in the said Act of the forty-seventh year of His Majesty's reign, intituled, "An Act to establish Public Schools in each and every District of this Province."

Trustees to be appointed.

IV. *And be it further enacted by the authority aforesaid*, That the Trustees of each and every District School within this Province, shall direct a public examination of their respective Schools to be held previous to the usual annual vacation, at which they or a majority of them shall assist; and it is hereby required that such public examination shall be holden every year at the time aforesaid.

Annual public examination to be held of every District School.

V. *And be it further enacted by the authority aforesaid*, That the Trustees for the respective District Schools, as aforesaid, in each and every District in this Province, shall, and they are hereby required, once in every year, after the public examination as aforesaid, to report to the Governor, Lieutenant Governor, or Person Administering the Government of this Province, the state of the said Schools, the number of scholars, the state of education, with the different branches taught in the said School, the number of scholars who have completed their education, together with all other matters and things that may tend to cherish the prosperity of the said Schools, or that may in any wise benefit the same, that the said report may be laid before the Legislature at its first meeting for their inspection.

Annual reports to be made by the Trustees of District Schools, to the Lt Governor;

To be laid before the Legislature.

VI. *And be it further enacted by the authority aforesaid*, That in order to extend the benefit of a liberal education to promising children of the poorer Inhabitants, the Trustees of each and every School have the power of sending scholars, not exceeding ten in number, to be taught gratis at the respective District Schools.

Ten poor children to be educated at each School, gratis.

VII. *Provided always, and be it further enacted by the authority aforesaid*, That the said scholars, so to be taught as aforesaid, shall once in every four years be drawn by lot in manner following, viz.: the Trustees for the Common Schools, now or hereafter to be established by virtue of any Act of the Parliament of this Province, shall and they are hereby authorised to return the name or names of one or more, not exceeding four, from each Common School, of the most promising scholars, as aforesaid, of their respective Schools, to the Trustees of the District Schools for the District in which they shall respectively reside, which Trustees shall, and they are hereby required, at a special meeting to be openly held for that purpose, inscribe each and every name so returned to them on a separate and distinct slip of paper, being all as nearly as possible of the same size, which slip of paper shall be put into a box or glass, to be provided for that purpose, and at such meeting as aforesaid, the same shall, in the presence of the said Trustees, be openly drawn by some disinterested person, and each and every scholar so chosen as aforesaid, shall be entitled to receive his education gratuitously at the said District School, and the Teacher thereof shall and he is hereby required to educate such scholar as aforesaid.

How such Scholars are to be selected.

VIII. *And be it further enacted by the authority aforesaid*, That in case any vacancy shall ensue in consequence of the refusal or decease, or from any other cause whatever, of any scholar or scholars drafted as aforesaid to be taught in the District School, it shall and may be lawful for the Trustees of the Common School from which such scholar or

Vacancies filled up.

scholars shall have been drafted, to make a second ballot to fill up the vacancy.

Parts of 47th Geo.
III. Chap. 6,
repealed.

IX. *And be it further enacted by the authority aforesaid, That so much of the third clause of the said Act, intituled, "An Act to establish Public Schools for each and every District in this Province," as relates to the Public Schools in the District of London and Johnstown, be and the same is hereby repealed.*

Where the
Public Schools
shall be kept in
the Districts of
Johnstown, Gore
and London;
(See 7 Wm. IV.
Chap. 106.)

X. *And be it further enacted by the authority aforesaid, That the Public School for the District of London shall be opened and kept in the town of Vittoria, in the township of Charlotteville; and the Public School for the District of Johnstown shall be opened and kept in the village of Brockville, in the township of Elizabethtown; that the Public School for the District of Gore shall be opened and kept at the town of Hamilton, in the District of Gore.*

Teachers to be
appointed here-
after, shall have
no more than
£50 per annum
unless they have
more than ten
Scholars.

XI. *Provided always, and be it further enacted by the authority aforesaid, That to every Teacher hereafter to be appointed, there shall be only fifty pounds paid, unless the average number of Scholars exceeds ten.*

Form of certi-
ficate to be given
by Trustees;
(See 2 Vic. Chap.
10.)

XII. *And be it further enacted by the authority aforesaid, That the certificate required from the Trustees by the twelfth clause of the said Act, passed in the forty-seventh year of His Majesty's reign, shall declare that, "at a public meeting of the Trustees of the District School, upon due notice given for that purpose, a majority of the Trustees being present, we certify, &c. &c."*

[See Statutes of Canada, 4 & 5 Victoria, Ch. 19.]

ACT 7, WM. 4, CAP. 106.

An Act to repeal part of an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, intituled, "An Act to repeal part of and to amend the laws now in force for establishing Public Schools in the several Districts of this Province," and to establish the Public School for the London District in the Town of London.

[Passed 4th March, 1837.]

Preamble.

[See 59 Geo. III.
Chap. 4.]

Tenth clause of
Act 59 Geo. III.
Chap. 4, repealed
so far as relates
to opening Dis-
trict School at
Vittoria.

WHEREAS the District School of the London District has been heretofore kept at Vittoria, and it is expedient that the said School should in future be kept in the Town of London, in the District aforesaid: *Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent, &c., That so much of the tenth clause of an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, intituled, "An Act to repeal part of and to amend the laws now in force for establishing Public Schools in the several Districts of this Province, and to extend the provisions of the same," as relates to the opening and keeping the Public School for the District of London at Vittoria, in the Township of Charlotteville, be and the same is hereby repealed.*

District School
for District of
London to be
henceforth held
in the Town of
London.

II. *And be it further enacted by the authority aforesaid, That from and after the passing of this Act, the Public School for the District of London shall be opened and kept in the Town of London, in the Township of London, in the said London District.*

ACT 4 & 5 VIC. CAP. 19.

An Act to make temporary provision for the appropriation of the funds derived from the sale of School Lands in that part of the Province formerly Upper Canada, and for other purposes.

[Passed 18th September, 1841.]

WHEREAS it is very desirable to afford every encouragement to the advancement of Education throughout the Province: And whereas His late Most Gracious Majesty, King George the Third, was pleased to direct that a quantity of the waste Lands of the Crown should be set apart for the support of Grammar Schools within that part of the Province heretofore called Upper Canada: And whereas the advancement of Education will be promoted by devoting a portion of the annual revenues of such waste Lands to the support of such Grammar Schools: And whereas it is expedient to repeal an Act of the Parliament of the late Province of Upper Canada hereinafter mentioned: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent, &c., That the several District Schools within that portion of the Province heretofore called Upper Canada, shall be and are hereby declared to be Grammar Schools, as contemplated by His late Most Gracious Majesty, King George the Third, at the time the said reservation of Land was directed to be made as aforesaid.

Preamble.

II. And be it enacted, That the money arising from the sales of the School Lands, now remaining in the Receiver General's hands, unexpended, or which may come into his hands, applicable to the purposes of this Act, shall be invested in the Debentures of that part of this Province heretofore Upper Canada, at six per cent. interest, and the annual interests or rents thereof, placed under the controul of the Governor, or Person administering the Government of the Province for the time being, to be distributed by and with the advice and consent of the Executive Council of the said Province, among such Districts within that part of the Province formerly called Upper Canada, as may more immediately require assistance, owing to the state of the School House or other circumstances.

District Schools to be considered Grammar School for certain purposes.

Monies arising from the sale of School lands to be invested in Debentures and the proceeds distributed among the several Districts.

III. And be it enacted, That within three months after the passing of this Act the Council of King's College, or their Bursar or Treasurer shall transfer and pay over to the Receiver General, as aforesaid, all Debentures unredeemed, and sums of money arising from unexpended arrears of interest, which may have accrued thereon and be at present held under the authority of the Act hereby repealed, by the said Council or Treasurer, on account of the proceeds of the sale of School Lands as aforesaid, to be by the said Receiver General invested in debentures, and the interest and rents thereof, appropriated and distributed as hereinbefore mentioned.

King's College to transfer and pay over all monies and Debentures to the Receiver General.

IV. And be it enacted, That a sum not exceeding one hundred pounds per annum, may be advanced to each of the several Boards of Trustees for the said Grammar Schools, from time to time, out of any monies in the hands of the Receiver General, arising from the sale of the said School Lands, and applicable to the purposes of this Act, to be expended in providing an additional Master and other additional means of instruction for the Grammar Schools in the Districts respectively, within that part of the Province formerly called Upper Canada.

£100 per annum may be advanced to the Trustees for an additional Master, &c.

V. And be it enacted, That it shall and may be lawful for the Board of Trustees in any District now constituted or hereafter to be constituted in

£200 may be granted to each District for the erection of a School House.

Governor may advance £100 p. annum to two additional Schools in a District, and may extend that aid to four Grammar Schools.

Accounts to be rendered.

Act of U. C. 2 Vic., c. 10, repealed.

Proviso.

that part of the Province formerly called Upper Canada, out of any monies in the hands of the Receiver General, applicable to the purposes of this Act, as aforesaid, to receive a sum not exceeding two hundred pounds, to aid in the construction and erection of a suitable building for a School House in each District, provided an equal sum shall be raised by subscription among the Inhabitants for the like object, and provided they shall guarantee the permanent insurance of the building.

VI. And be it enacted, That it shall and may be lawful for the Governor, Lieutenant Governor or Person administering the Government for the time being, by and with the advice and consent of the Executive Council as aforesaid, to authorize a sum not exceeding one hundred pounds, per annum, out of the monies arising from the sale of the said Lands for each School, to be paid to any Board of Trustees, for the use and support of two other Schools than the one in the Town where the Court House is situated, in any Town, Township or Village within any of the Districts aforesaid, in which the Inhabitants shall provide a suitable School House, at which not less than fifty scholars shall be educated: Provided any such additional School shall not be within six miles of the District Town: And provided always, that nothing herein contained shall prevent the Governor, Lieutenant Governor, or Person administering the Government of the Province for the time being, by and with the advice and consent of the Executive Council thereof, from extending the aid to four Grammar Schools (including the said two) other than the one established in the District Town, should it be deemed expedient.

VII. And be it enacted, That an account in detail of the sums received and expended under the provisions of this Act, shall be rendered to the Governor, Lieutenant-Governor, or Person administering the Government of this Province, annually, in order that the same may be laid before the Legislature, within thirty days after the commencement of each Session.

VIII. And be it enacted, That the Act of the Legislature of the late Province of Upper Canada, passed in the second year of Her Majesty's Reign, intituled *An Act to provide for the advancement of Education in this Province*, shall be and the same is hereby repealed: Provided always, that such repeal shall not annul or be construed to annul any order, engagement or act, for the distribution of the interest upon the Debentures, by the Council of King's College, made and carried into effect previous to the passing of this Act: And provided also, that the management and sale of the said School Lands shall continue to be conducted by the said Council of King's College, until further provision shall be made in that behalf at any future Session of the Legislature.

ACT 9 VIC. CAP. 17.

An Act to provide for vesting in Trustees the Sites of Schools in that part of this Province called Upper Canada.

[Passed 18th May, 1846.]

Preamble.

WHEREAS difficulties have been experienced by persons interested in Schools in that part of this Province called Upper Canada, in securing the titles to real property, for the use of such Schools, for want of a corporate capacity to take and hold the same in perpetual succession; and whereas it is expedient and proper to provide relief in such cases: Be it therefore enacted &c., That it shall and may be lawful for any number of persons, residing in that part of this Province

called Upper Canada, who may be interested in any School established or to be established in any Town or Township therein, whether as Parents of Children frequenting such Schools, or as contributors to the same, or both, when, and as often as they may have occasion or be desirous to take a conveyance of real property for the use of such Schools, to elect from among themselves, and to appoint any number of Trustees, not exceeding seven nor less than five, to whom and to whose successors, to be appointed in such manner as shall be specified in the Deed of Conveyance, the real property requisite for such School may be conveyed; and such Trustees, and their successors in perpetual succession, by the name expressed in such Deed, shall be capable of taking, holding, and possessing such real property, and of commencing and maintaining any action or actions at law or in equity for the protection thereof, and of their right thereto: Provided always, that there shall not be held in trust as aforesaid more than ten acres of land at any one time for any one School: Provided also, that nothing in this Act contained shall be construed to extend to common Schools.

Persons interested in any School in Upper Canada may name Trustees to take conveyance of Site.

Such Trustees to have certain corporate power.

Proviso.

II. And be it enacted, That such Trustees shall, within twelve calendar months after the execution of such Deed, cause the same to be registered in the Office of the Register of the County in which the land lies.

Deed to be registered.

ACT 9 VIC., CAP. 19.

An Act to amend the Act therein mentioned, relating to the appropriation of Monies derived from the sale of School Lands in Upper Canada.

[Passed 18th May, 1846.]

WHEREAS by the sixth section of the Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled, *An Act to make temporary provision for the appropriation of the funds derived from the sale of School Lands in that part of the Province formerly Upper Canada, and for other purposes*, it is, among other things, enacted, That, out of the monies arising from the sale of School Lands, a certain annual allowance may be made for the support of certain Schools therein mentioned, at which not less than fifty scholars shall be educated: And whereas it is expedient to make a smaller number of scholars sufficient to enable such Schools to receive the said allowance: Be it therefore enacted &c., That, subject to the other provisions and requirements of the said Act, it shall be lawful for the Governor, Lieutenant-Governor, or person administering the Government of this Province for the time being, by and with the advice and consent of the Executive Council thereof, to authorize the payment of the annual allowance in the said section of the said Act mentioned, to any Board of Trustees, for the use and support of two other Schools than the one in the Town where the Court-house is situate, in any Town, Township or Village within any District in that part of this Province which formerly constituted the Province of Upper Canada, in which the inhabitants shall provide a suitable School House, at which not less than thirty scholars shall be educated; any thing in the said section requiring that a greater number than thirty be so educated, to the contrary notwithstanding.

Preamble.

Sixth Section of Prov. Stat. 4 & 5 Vict. c. 19, cited.

Thirty scholars instead of fifty to be sufficient to warrant the payment of the allowance mentioned in said section of said Act.

ACT 13 & 14 VIC. CAP. 91.

An Act to provide for the payment of the sum of money therein mentioned, for the use and support of three additional Grammar Schools in the County of York, for the year one thousand eight hundred and forty-nine.

[Passed 10th of August, 1850.]

Preamble.

4 & 5 Vict. c. 12.

9 Vict. c. 19.

Case recited.

Governor in Council may authorize payment of £225.

WHEREAS in and by an Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled, *An Act to make temporary provision for the appropriation of the funds derived from the sale of School Lands, in that part of the Province formerly Upper Canada, and for other purposes*, as amended by an Act passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to amend the Act therein mentioned, relating to the appropriation of Moneys derived from the sale of School Lands in Upper Canada*, it was, amongst other things, in effect enacted, That it should be lawful for the Governor in Council to authorize a sum not exceeding one hundred pounds per annum for each school, out of the moneys arising from the sale of the School Lands in the said first above cited Act mentioned, to be paid to the Board of Trustees for Grammar Schools in any District in Upper Canada, for the use and support of two other Schools than the one in the Town where the Court House is situated, in any Town, Township or Village within any of the Districts aforesaid, in which the inhabitants should provide a suitable School House, at which not less than thirty scholars should be educated, provided any such additional School should not be within six miles of the District Town; and provided also, that nothing in the said first above cited Act should prevent the Governor in Council from extending such aid to four Grammar Schools, (including the said two,) other than the one established in the District Town, should it be deemed expedient: And whereas His Excellency the Governor General in Council did, on the twenty-ninth day of November, one thousand eight hundred and forty-eight, authorize the Board of Trustees for Grammar Schools in the Home District, to propose a grant of seventy-five pounds to each of the Villages of Streetsville, Whitby and Newmarket, within the said District, being distant, respectively, more than six miles from Toronto, the District Town, for aiding to support Masters of Grammar Schools, provided such Masters should be established in buildings permanently appropriated to such Schools during the year one thousand eight hundred and forty-nine: And whereas such a Master was established in each of the said Villages, in a building permanently appropriated to such a School, during the year one thousand eight hundred and forty-nine, but owing to the number of Scholars educated at each of the said Schools, during the said year, having been less than thirty, the above mentioned sums of seventy-five pounds cannot lawfully be paid to the said Board of Trustees for the use and support of the said Schools, but it is just and right, under the circumstances of the case, to enable the Governor General in Council to authorize the payment thereof: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice, &c., That it shall and may be lawful for the Governor General in Council to authorize a sum of two hundred and twenty-five pounds, out of the moneys arising from the sale of the School Lands in the said first above cited Act mentioned, to be paid to the Board of Trustees for Grammar Schools, in the County of York, for the use and support of the three additional Grammar Schools above mentioned, for the year one thousand eight hundred and forty-nine; any thing in the said Acts, or in any other Act or law, to the contrary thereof in any wise notwithstanding.

RAILROADS.

ACT 13 & 14 VIC. CAP. 81.

An Act to enable the Municipal Corporation of the City of Toronto to assist in the construction of the Toronto, Simcoe and Lake Huron Union Rail-road.

[Passed 10th August, 1850.]

WHEREAS the Municipal Corporation of the City of Toronto, have by almost an unanimous vote resolved, that so soon as legal authority shall have been obtained to enable them to assist the Rail-road Company incorporated by an Act of the Parliament of this Province, passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to incorporate the Toronto, Simcoe, and Lake Huron Union Railroad Company*, in the construction of their intended Rail-road, the said Municipal Corporation is prepared to do so, on certain terms and conditions more fully set forth in a certain Report of the Finance Committee of the said Municipal Corporation, and by the said Municipal Corporation adopted in Council, on the twenty-ninth day of July now last past; And whereas George Gurnett, Esquire, Mayor of the City of Toronto, hath, by his petition to the Legislature, prayed on behalf of the Mayor, Aldermen and Commonalty of the said City, that authority might be conferred on the said Municipal Corporation of the said City, so soon as responsible parties shall have subscribed to the amount of One hundred thousand pounds in the Capital Stock of the said Rail-road Company, and in other respects shall have complied with the terms, conditions and regulations required by the said Municipal Corporation, to issue the debentures of the said Municipal Corporation to the like amount of Stock so subscribed; And whereas it is desirable and expedient that power and authority should be given to the said Municipal Corporation to assist the said Rail-road Company in such manner as the said Municipal Corporation shall deem advisable, and that similar power should also be given to each Municipality through whose jurisdiction the Rail-road of the said Company may pass; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Mayor, Aldermen and Commonalty of the City of Toronto, in pursuance of any By-law of the said Municipal Corporation, in the name or on the credit and behalf of the said Municipal Corporation, to issue debentures to an amount not exceeding One hundred thousand pounds, nor in sums less than five pounds each, for and towards assisting in the construction of the proposed Rail-road of the said Company, and to provide for or secure the payment thereof, in such manner and way as to the said Municipal Corporation shall seem proper and desirable; and further, that it shall and may be lawful for the said Municipal Corporation of the City of Toronto, and any other Municipal Corporation, within or through whose jurisdiction the proposed Rail-road of the said Company may pass, to assist otherwise in the construction and forwarding of the said proposed Rail-road, in such manner as to any such

Preamble.

13 Vic.c. 196.

Corporation of Toronto empowered to issue debentures in aid of the said Company.

The said corporation and others may aid the company in other ways.

Municipal Corporation may seem proper and desirable on grounds of public utility.

Other municipal-
ities may issue
debentures in aid
of the company.

II. And be it enacted, That any other Municipal Corporation within or through whose jurisdiction the proposed Rail-road of the said Company may pass, shall and may for and towards assisting in the construction of the said proposed Rail-road, issue debentures to an amount not exceeding Fifty thousand pounds, in the same manner and upon the same terms as the said Municipal Corporation of Toronto are hereby authorized to do.

Corporations so
issuing debentures
to have the
power of electing
directors of the
company.

III. And be it enacted, That for the purpose of enabling any such Municipal Corporation to exercise a sufficient precaution in regard to the due application of such debentures towards the purposes for which they are proposed to be issued, and to enable such Municipal Corporations respectively, to be therefore adequately represented in the direction of the said Rail-road Company, so soon as any such Municipal Corporation shall have issued the debentures hereby authorized, to the amount of Fifty thousand pounds each, such Municipal Corporation shall have power and is hereby authorized to nominate and appoint one director from among the members of the Council of such Municipal Corporation, for or in respect of every Fifty thousand pounds of debentures, which may be so issued, and each such Director so appointed shall possess and enjoy all the powers and privileges possessed and enjoyed by the other Directors of the said Rail-road Company, named or to be appointed under the said Act of Incorporation of the said Rail-road Company, so long as such Municipal Corporation shall and may be liable for the payment of the principal and interest of such debentures.

ACT 13 & 14 VIC., CAP. 129.

An Act to empower Municipal Corporations to subscribe for Stock of the Great Western Rail-road Company, or otherwise to aid in completing that undertaking.

[Passed 24th July, 1850.]

Preamble.

WHEREAS the Great Western Rail-road Company and the Municipal Corporations of certain localities through which the Company are empowered to make their Rail-road, have prayed that such Corporations and all others who may be so disposed, may be enabled to subscribe for Stock of the said Company, and it is expedient to promote an undertaking so important to the interests of the Province, by granting the prayer of the said Petition: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for the Common Council of the City of Hamilton, and for any other Municipal Corporation in this Province, to subscribe for any number of Shares in the Capital Stock of the said Great Western Rail-road Company, or to lend any sum of money to the said Company, or to guarantee and become security for the payment of any sum of money borrowed by the said Company after the passing of this Act, from any other Corporation or party, or to endorse or guarantee the payment of any debenture to be issued by the said Company for money borrowed by them after the

Municipal Corporation may
subscribe for
shares, or lend
money to the
Company, &c.

passing hereof: Provided always, that nothing herein contained shall be construed to increase the total amount of the Capital Stock which the said Company is now authorized by law to raise, or the total amount of money which it is now authorized to borrow.

II. And be it enacted, That the Municipal Corporation of any County, City, Town, Township or Village who shall subscribe for Stock of the said Company, or lend or guarantee the payment of any sum of money under this Act, shall have full power and authority to cause to be assessed and levied, from time to time, upon the whole rateable property in such County, City, Town, Township or Village, sufficient sums to enable them to discharge the debts, obligations and engagements which they shall have contracted as aforesaid; and also, for the like purpose, to issue Debentures, payable at such times, and for such sum respectively, not less than twenty-five pounds, and bearing or not bearing interest, as such Corporation may think meet.

And may levy money for meeting their engagements under this Act.

III. And be it enacted, That any Debenture which any Corporation may, under this Act, issue, indorse or guarantee, shall be valid and binding upon such Corporation, if signed and endorsed or countersigned by such officer or person, and in such manner and form as shall be directed by any By-law of the Corporation, and it shall not be necessary that it be under the Seal of the Corporation, or that any further form be observed with regard to it than such as shall be directed in such By-law as aforesaid.

How debentures, &c. may be executed.

IV. And be it enacted, That it shall not be lawful for any Municipal Corporation to subscribe for stock as aforesaid or incur any debt or liability under this Act unless and until a By-law to that effect shall have been duly made and adopted with the consent first had and obtained of a majority of the qualified Electors of the Municipality present at a meeting called for that purpose by the Mayor, Warden or Town Reeve at the request of any ten such Electors, by public advertisement containing a copy of such proposed By-law, inserted at least four times in each Newspaper printed within the limits of the Municipality, or if no newspaper be printed therein, then in some one or more newspapers printed in the immediate vicinity thereof and circulated therein.

No liability to be incurred except under By-law passed with the consent of a majority of the electors.

V. And be it enacted, That the Warden, Mayor or Town Reeve, being the head of any Municipal Corporation, subscribing for and holding shares in the stock of the said Company to the amount of twenty-five thousand pounds or upwards, shall be *ex officio* one of the Directors of the said Company in addition to the number of Directors now authorized by law, and shall have the same rights, powers and duties as any of the other Directors of the said Company.

The head of a Corporation subscribing £25,000 to be a Director.

ROADS AND BRIDGES.

ACT 13 & 14 VIC., CAP. 15.

An Act to make better provision with regard to the repairing of Roads within the limits of incorporated Cities and Towns, and of Roads and Bridges which having been under the control of the Commissioners of Public Works may hereafter be released from such control.

[Passed 10th of August, 1850.]

WHEREAS it is expedient to remove all doubt on certain points with regard to the Roads and Highways within the limits of the several Cities and incorporated Towns in this Province: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the

Preamble.

Roads, &c., in Cities or Towns vested in the Corporation, who shall keep them in repair.

Liability for failure to keep in repair.

How Roads and Bridges made by the Province, shall be kept in repair, if released from the control of the Commissioners of Public Works.

12 Vic. c. 4.

proviso : as to the Bridge over the river Don at Toronto.

advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the right to use as Public Highway all Roads, Streets, and Public Highways within the limits of any City or Incorporated Town in this Province (except in so far as the right of property or other right in the Land occupied by the same Highways may have been expressly reserved by some private party when it was first used as such Road, Street or Highway, and except as to any Concession Road or Side Road within any such City or Town where the persons now in possession or those under whom they claim may have laid out Streets in such City or Town without any compensation therefor in lieu of such Concession or Side Road,) shall be vested in the Municipal Corporation of each City or Incorporated Town, and such Roads, Streets and Highways shall be maintained and kept in proper repair so long as they shall remain open as such, by and at the cost of such Corporation whether they were originally opened and made by such Corporation, or by the Government of this Province, or of either of the late Provinces of Upper or Lower Canada, or by any other authority or party; and if the Municipal Corporation of any such City or Incorporated Town shall fail to keep in repair any such Road, Street or Highway within the limits thereof, such default shall be a misdemeanor for which such Corporation shall be punished by fine in the discretion of the Court before whom the conviction shall be had; and such Corporation shall be also civilly responsible for all damages which may be sustained by any party by reason of such default, provided the action for the recovery of such damages be brought within three months after the same shall have been sustained, but not otherwise.

II. And be it enacted, That any Public Road or Bridge made, built or repaired at the expense of the Province, and now under the management and control of the Commissioners of Public Works may by Proclamation of the Governor issued by and with the advice and consent of the Executive Council, be declared to be no longer under the management and control of the said Commissioners, and upon, from and after a day to be named in such Proclamation, such Road or Bridge shall cease to be under the management and control of the said Commissioners, and no Tolls shall thereafter be levied thereon under the authority of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to make better provision with regard to the Tolls to be levied on the Public Provincial Works and for other purposes relative to the said Works*, but such Road or Bridge shall be under the control of the Municipal Authorities of the locality and of the Road Officers thereof, in like manner with other Public Roads and Bridges therein, and shall be maintained and kept in repair under the same provisions of law, which are hereby declared to extend and shall apply to such Road or Bridge: Provided always, and be it declared and enacted, That the Bridge over the River Don, on the Kingston Road, at the east end of the City of Toronto, and the said Kingston Road east of the said River shall not be held to be within the said City or the Liberties thereof, or be under the control of the Corporation thereof, but shall remain under the control of the Commissioners of Public Works, or of any party to whom they may be transferred by order of the Governor in Council,

BOUNDARIES OF TOWNS IN SCHEDULE D.

[VIDE PAGE 151.]

[A Proclamation was issued on the 27th September, 1850, establishing and declaring the following to be the boundaries of the several Towns mentioned in Schedule D, until altered by competent authority, according to law.]

SCHEDULE D.

Towns with Municipalities only, or without any Municipal organization.

FIRST DIVISION.

1.—*Amherstburgh*, To consist of all that part of this Province situate partly in the Township of Malden and partly in the Township of Anderdon, in the County of Essex, and lying within the following limits, that is to say :

Commencing in front of the River Detroit, at the south-west angle of lot number three on the said river, in the Township of Malden ; thence, easterly, along the southerly boundary line of the said lot number three, to the easterly side of the allowance for road in rear of the said lot ; thence, northerly, along the easterly side of the said allowance for road, to the boundary line between the said Township of Malden and the said Township of Anderdon ; thence, northerly, in the same direction as the said last mentioned course, across the said last mentioned boundary line, to the northerly boundary line of block D in the said Township of Anderdon ; thence, westerly, along the said last mentioned boundary line, to the water's edge of the said River Detroit ; thence, westerly, in the same direction as the said last mentioned course, five chains ; thence, southerly, following the direction of the water's edge in its several windings on the easterly shore of the said River Detroit, keeping always at the distance of five chains from the same, to a point opposite the said place of beginning ; thence, easterly, in the direction of the said southerly boundary line of the said lot number three in the said Township of Malden, five chains, to the said place of beginning.

2.—*Chatham*, To consist of all that part of this Province situate within the County of Kent and lying within the following limits, that is to say :

Composed of lot number twenty-four in the first concession by the eastern boundary in the Township of Raleigh, lots numbers one and two in the first concession by the western boundary of the Township of Harwich, and also of the village plot of Chatham-north, being the front part of lot number one in the Township of Chatham, and butted and bounded as follows, that is to say :

Commencing upon the River Thames, upon the limits between lots numbers twenty-three and twenty-four in Raleigh aforesaid ; thence, south, forty-five degrees east, to the south-easterly side of the road allowance between the first and second concessions of Raleigh ; thence, north, forty-five degrees east, following the south-easterly side of said road allowance, across lots number twenty-four in Raleigh and numbers one and two in Harwich, to the limits between lots two and three in the first concession of Harwich ; thence, north, forty-five degrees west, along said limits between lots two and three in Harwich, to the said River Thames ; thence, in prolongation of the last mentioned course, across the said river, to the water's edge of the north-westerly bank thereof ; thence, along the same westerly, to the limits of lots one and two in first concession of the Township of Chatham ; thence, north, forty-five degrees west, to the north-westerly side of Head street in the town plot of Chatham-north ; thence, south-westerly, following the north-

westerly limits of Head street, to the south-westerly side of the allowance for road on the town-line between Chatham and Dover east; thence, south, forty-five degrees east, to the water's edge of the River Thames; thence, along the same westerly with the stream, to a point opposite the line between lots numbers twenty-three and twenty-four in the first concession of the said Township of Raleigh; thence, across the river to the place of beginning.

3.—*Guelph*, To consist of all that part of this Province situate in the County of Waterloo, and lying within the following limits, that is to say:

Commencing at a point where the south-westerly side of the Edinburgh road in the said County intersects the north-westerly side of the London road produced in the said County; thence, north-east, in a course along the north-westerly side of the said London road, and crossing the river Speed, to the easterly bank thereof; thence, along the said easterly bank, down the stream, and following the course thereof to its junction with the Eramosa branch of the said river; thence, crossing the said Eramosa branch in a direct line, to the south-easterly bank thereof; thence, down the united stream along the south-easterly bank thereof, and following the course thereof, to a point where the said south-easterly bank intersects the south-westerly side of the said Edinburgh road produced; thence, north-west, following the course of the said south-westerly side of the Edinburgh road, to the place of beginning.

4.—*Perth*, To consist of all that part of this Province situate in the County of Lanark, being composed of lots numbers one, two and three, in the first concession, and lots numbers one and two, in the second concession of the Township of Drummond, and lying within the following limits, that is to say:

Commencing at the south-westerly angle of lot number one in the third concession of the Township of Drummond; thence, north-easterly, along the north-westerly limit of the allowance for road between the second and third concessions of the said Township, to a point opposite the limit between lots numbers two and three in the second concession of the said Township; thence, across the said allowance for road, to the said last mentioned limit, and along the same, to the north-westerly limit of the allowance for road between the first and second concessions of the said Township; thence, north-easterly, along the said last mentioned limit, to a point opposite the boundary line between lots numbers three and four in the first concession of the Township of Drummond; thence, across the said last mentioned allowance for road, to the said last mentioned boundary line, and along the same south-easterly to the south-easterly side of the allowance for road between the Townships of Drummond and North Elmsly; thence, south-westerly, along the said last mentioned limit, to the south-westerly side of the allowance for road between the Townships of Bathurst and Drummond; thence, along the said last mentioned limit, to the north-westerly limit of the allowance for road between the said second and third concessions of the said Township of Drummond; thence, across the said allowance for road between the said Townships of Bathurst and Drummond, to the place of beginning.

5.—*Simcoe*, To consist of all that part of this Province situate in the County of Norfolk, and lying within the following limits, that is to say:

Commencing on the town-line between the Township and Gore of Woodhouse, at the limit between lots numbers twelve and thirteen, in the said Gore of Woodhouse; thence, westerly, on the limit between said Gore lots twelve and thirteen, thirty chains; thence, northerly, parallel to the said town-line (called Norfolk Street in the Town of Simcoe,) be the distance more or less, to the intersection of the north-

erly side of Paterson's Creek, or Messrs. Wilson's Mill Pond, as may be; thence, following down the northerly side of said Mill Pond and Creek, to the north-westerly limit of the town-line between the townships of Townsend and Woodhouse; thence, easterly, on the said limit, to the distance of twenty chains from the north-westerly angle of the Township of Woodhouse; thence, southerly, parallel to the said town-line between the Township of Woodhouse and Woodhouse Gore (or Norfolk Street aforesaid), to the intersection of the said limit between lots numbers twelve and thirteen in the Gore of Woodhouse produced easterly; and thence, along the same, westerly to the place of beginning.

6.—*Woodstock*, To consist of all that part of this Province situate in the County of Oxford, and lying within the following limits, that is to say:

Commencing on the northerly limit of Dundas Street at a point where a post has been planted at the south-west angle of lot number eighteen in the first concession of the Township of Blandford; thence, in a northerly direction along the western boundary of the said lot, to the allowance for road between the first and second concessions of the said Township of Blandford; thence, continuing the same course to the northerly limit of the said road allowance; thence, westerly, along the said northern limit, to the River Thames; thence, in continuation of the last mentioned course, across the said river, to the water's edge on the westerly bank thereof; thence, along the water's edge of the River Thames on the westerly bank thereof, to a point opposite the southerly bank of Cedar Creek; thence, across the said River Thames to the water's edge on the southerly bank of Cedar Creek; thence, along the water's edge of Cedar Creek on the southerly side thereof, to the eastern limit of the allowance for road between lot number twenty-one in the first concession of the Township of east Oxford and the Gore between east and west Oxford; thence, southerly, along the said eastern limit, to the southern limit of the allowance for road between the first and second concessions of the said Township of east Oxford; thence, easterly, along the said southern limit, to a point opposite to the centre of lot number eighteen in the first concession of the said Township; thence, on a line equidistant from the eastern and western side lines of the said lot number eighteen on a course about north fifteen degrees forty minutes west, to Dundas Street; thence, continuing the same course, to the northern limit of Dundas Street; and thence, westerly, along the northern limit of Dundas Street, to the place of beginning.

SECOND DIVISION.

1.—*Barrie*, To consist of all that part of this Province situate in the County of Simcoe, and lying within the following limits, that is to say:

Commencing in deep water at the distance of five chains from the shore of Kempenfeldt Bay, at a point on the southerly limit of the allowance for road between the Townships of Vespra and Innisfil, produced easterly from the water's edge of Kempenfeldt Bay; thence, westerly, along the prolongation of the said southern limit and the said limit, to the westerly limit of the allowance for road between the fifth and sixth concessions of said Township of Vespra; thence, northerly, along the westerly limit of the said last mentioned allowance for road, to the north-east angle of lot number twenty-two in the said sixth concession; thence, north-easterly, across the allowance for road between the fifth and sixth concessions, and along the northern limits of lots numbers twenty-two in the fifth, fourth and third concessions of the Township of Vespra, to the north-easterly angle of lot number twenty-two in the said third concession; thence, across the allowance for road bounding the said lot last mentioned on the east; thence, south-westerly, along the said allowance for road which runs between the lots on the west side of the Penetanguishene road and the said lot number twenty-two, to the north-

west angle of lot number three on the west side of the Penetanguishene road; thence, easterly, along the northern limit of the said lot number three; in the first concession, on the west side of the Penetanguishene road, to the north-east angle of the said lot number three; thence across the said road, to the easterly limit thereof; thence southerly along the same to Kempenfeldt Bay; thence on a line produced in prolongation of the said road, a distance of five chains; thence, westerly and southerly, and always at the distance of five-chains from the shore, to the place of beginning.

2.—*L'Orignal*, To consist of all that part of this Province situate in the County of Prescott, and lying within and bounded by the following limits, that is to say:

On the east by the westerly line of the Township of West Hawkesbury, on the south by the road leading from the said line past the four corners of the bridge across the Mill Creek on the road to Caledonia Springs; on the west, by a line drawn parallel with the Hawkesbury line to the Ottawa River, and on the north by the said river.

3.—*Queenston*, To consist of all that part of this Province situate in the County of Lincoln, and lying within the following limits, that is to say:

Commencing at the water's edge of the Niagara river, at a point where the northerly boundary line of lot number six, in the Township of Niagara, produced to the river, would strike the same; thence, in prolongation of the same course, two hundred feet; thence, southerly, following the windings of the water's edge, on the westerly side of the river Niagara, to a point opposite where a line, on a course north sixty-seven degrees thirty minutes east, produced to the said river from the southerly side or limit of that part of the Erie and Ontario Rail-road, which lies immediately north of Brock's Monument, would strike the water's edge; thence, on a course south sixty-seven degrees thirty minutes west, to the water's edge, and, in the same course, to that part of the said Rail-road due north from Brock's Monument; thence, westerly, along the southern limit of the said Rail-road, to where the westerly limit of King Street in the Village of Queenston intersects the same; thence, northerly, along the western limit of King Street, to the limit between lots numbers six and seven in the Township of Niagara; thence, easterly, along the said limit or boundary line, to the north-east angle of the said lot number six; and thence, on a course produced by the boundary line between the said lots numbers six and seven being continued to the Niagara River, to the place of beginning.

4.—*Sandwich*, To consist of all that part of this Province situate in the County of Essex, and lying within the following limits, that is to say:

Commencing at the water's edge of the River Detroit, on the limit between lot number fifty-nine in the front concession of the Township of Sandwich, and the Town of Sandwich as originally laid out by the Crown; thence, on a course of south seventy-four degrees east, to the western limit of the allowance for road, which forms the eastern boundary of Sandwich L'Assumption; thence, along said limit on a course north twenty-eight degrees west, to within fifty chains of the water's edge of the River Detroit; thence, on a course north seventy-four degrees east, to the limit between lots numbers sixty-three and sixty-four in the front concession of the Township of Sandwich; thence, along the said limit north twenty-eight degrees west, to the water's edge of the River Detroit; thence, continuing the last mentioned course five chains; thence, on a course corresponding with the general line of the shore, and always at the distance of five chains from the same, with the stream, until the same shall intersect a line produced from the place of beginning, on a course north seventy-four degrees west; thence on a course south seventy-four degrees east, to the place of beginning.

SURVEYS AND BOUNDARIES.

EXTRACTS FROM ACT 12 VIC. CAP. 35.

An Act to repeal certain Acts therein mentioned, and to make better provision respecting the admission of Land Surveyors and the Survey of Lands in this Province.

[Passed 30th May, 1849.]

XII. And be it enacted, That the Commissioner of Crown Lands shall procure a Standard of English Measure of length, and a Standard of the old French Measure of length, compared with and corrected by the Standards for such Measures established in this Province, which shall remain in his office for the purpose of comparing therewith the Standards to be kept by each Surveyor as hereinafter provided.

Standard measures to be kept by the Commissioner of Crown Lands.

XIII. And be it enacted, That each and every Land Surveyor duly admitted, and practising, or who shall be hereafter admitted for Upper or Lower Canada, shall procure, and shall cause to be examined, corrected, and stamped, or otherwise certified, by the Commissioner of Crown Lands, or some one by him deputed for that purpose, a Standard Measure of length, under the penalty of the forfeiture of his License or Certificate, and shall previously to proceeding on any survey, verify the length of his chains and other instruments for measuring by such standard.

Surveyors to have a standard to check their measures by.

XIV. And be it enacted, That from and after the passing of this Act, if any person or persons shall, in any part of this Province, interrupt, molest, or hinder any Land Surveyor, while in the discharge of his duty as a Surveyor, such person or persons shall be deemed to have been guilty of a misdemeanor, and being thereof lawfully convicted in any Court of competent jurisdiction, may be punished either by fine or imprisonment, or both, in the discretion of such Court, such imprisonment being for a period not exceeding two months, and such fine not exceeding five pounds, without any prejudice to any civil remedy which such Surveyor or any other party may have against such offender or offenders, in damages by reason of such offence; and any Land Surveyor, when engaged in the performance of the duties of his profession, shall be, and he is hereby authorized and empowered to pass over, measure along, and ascertain the bearings of, any Township line, concession or range line, or other governing line, or side line, and for such purposes to pass over the lands of any person whomsoever, doing no actual damage to the property of such person, any law to the contrary notwithstanding.

Punishment of persons molesting Surveyors on duty.

Civil remedy not taken away.

Power to Surveyor to examine certain lines; doing no actual damage.

XXII. And be it enacted, That the measure for Land in Lower-Canada shall be the same as it was before the year of our Lord one thousand seven hundred and sixty, in all grants of Seigniories, and in the Concessions which have therein been made up to the present time, but in the Townships of Lower-Canada the measure for Land shall be English measure.

Measures for Land in Lower-Canada fixed.

XXVI. And whereas it is expedient to provide means for ascertaining and permanently defining and marking the angles and boundary lines of Townships or Concessions in Upper-Canada: Be it therefore enacted, That stone monuments or monuments of other durable materials, shall be placed at the several corners, governing points or offsets of every

Recital.

Stone monuments may be placed at certain

points in Townships in U. C.

To be placed under the direction of the Commissioner of Crown Lands.

Boundaries ascertained as aforesaid in U. C. to be deemed the true ones.

Punishment of persons removing or defacing land marks in U. C. or in L. C.

Proviso as to Surveyors.

Monuments not to be placed in U. C. except on the application of the Municipal Council.

Recital.

In what cases the Municipal Council may apply to have Monuments placed. U. C.

Township that hath been surveyed, or may hereafter be surveyed in Upper-Canada, and also at each end of the several Concession Lines of such Townships; and that lines drawn in the manner hereinafter prescribed from the monuments so erected, or to be erected, shall be taken and considered to be the permanent boundary lines of such Townships and Concessions, respectively.

XXVII. And be it enacted, That the monuments to be placed as above mentioned shall be so placed under the direction and order of the Commissioner of Crown Lands of this Province.

XXVIII. And be it enacted, That the courses and lengths of the said boundary lines, so ascertained and established, shall on all occasions be and be taken to be the true courses and lengths of the boundary lines of the said Townships and Concessions, in Upper-Canada, whether the same do or do not, on actual survey, coincide with the courses and lengths in any Letters Patent of Grant or other Instrument mentioned and expressed in respect of such boundary lines.

XXIX. And be it enacted, That if any person or persons shall knowingly and wilfully pull down, deface, alter or remove any such monument so erected as aforesaid, in Upper-Canada, such person or persons shall be adjudged guilty of felony; and if any person or persons shall knowingly and wilfully deface, alter or remove any other landmark, post, or monument placed by any Land Surveyor, to mark any limit, boundary or angle of any Township, Concession, range, lot or parcel of land, in Upper or in Lower-Canada, such person or persons shall be deemed guilty of a misdemeanor, and being convicted thereof before any competent Court, shall be liable to be punished by fine or imprisonment, or both, at the discretion of such Court, such fine not to exceed Twenty-five pounds, and such imprisonment not to be for a longer period than Three months, without any prejudice to any civil remedy which any party may have against such offender or offenders in damages, by reason of such offence; Provided that nothing herein contained shall extend to prevent Land Surveyors, in their operations, from taking up posts or other boundary marks when necessary, after which they shall carefully replace them as they were before.

XXX. And be it enacted, That it shall not be necessary for the Commissioner of Crown Lands to proceed to carry the provisions of the Twenty-sixth, Twenty-seventh and Twenty-eighth Sections of this Act into execution, until an application for that purpose shall have been made to the Governor by the District Council of the District in Upper-Canada, in which the Township or Townships interested may be situate, who shall cause the sum requisite to defray the expenses to be incurred, or the proportion thereof payable by the inhabitants of any Township or Concession, to be levied on the said inhabitants, in the same manner as any sum required for any other local purpose authorized by law may be levied.

XXXI. And whereas in several of the Townships in Upper-Canada, some of the Concession lines, or parts of the Concession lines, have not been run in the original survey performed under competent authority, and the surveys of some Concession lines or parts of Concessions lines have been obliterated, and owing to the want of such lines the inhabitants of such Concessions are subject to serious inconvenience: Be it therefore enacted, That it shall be lawful for the District Council of the District in which any Township in Upper-Canada may be situate, on application of one half of the resident land-holders in any Concession, (or without such application if the said Council shall deem it necessary,) to make application to the Governor, requesting Him to cause any such line to be surveyed, and marked by permanent stone boundaries under

the direction and order of the Commissioner of Crown Lands, in the manner prescribed in this Act, at the cost of the proprietors of the lands in each Concession or part of a Concession interested; and it shall be lawful for such District Council to cause an estimate of the sum requisite to defray the expenses to be incurred to be laid before them, in order that the same may be levied on the said proprietors, in proportion to the quantity of land held by them respectively in such Concession or part of a Concession, in the same manner as any sum required for any other purposes authorized by law may be levied; and the lines or parts of lines so surveyed and marked as aforesaid, shall thereafter be taken and considered to be the permanent boundary lines of such Concessions or parts of Concessions to all intents and purposes of law whatsoever; and all expenses incurred in performing any survey or placing any monument or boundary under the provisions of this section or of the next preceding section, shall be paid by the District Treasurer to the person or persons employed in such services, on the certificate and order of the Commissioner of Crown Lands; Provided always, that the said lines shall be so drawn as to leave each of the adjacent Concessions of a depth proportionate to that intended in the original survey.

Expenses to be estimated and provided for.

Legal effect of the operation.

Expenses to be paid to the Government.

Proviso as to adjacent concessions.

XXXII. And whereas it is necessary to make more definite provision than is now made by law, as to the mode in which the proper courses of boundary lines shall be ascertained in certain cases in Upper-Canada: Be it enacted, That in Upper-Canada all boundary lines of Townships, Cities, Towns, Villages, all Concession lines, governing points, and all boundary lines of Concessions, sections, blocks, gores, commons and all side-lines and limits of lots surveyed, and all posts or monuments, which have been placed or planted at the front angles of any lots or parcels of land, provided the same have been or shall be marked, placed or planted under the authority of the Executive Government of the late Province of Quebec or of Upper-Canada, or under the authority of the Executive Government of this Province, shall be and the same are hereby declared to be the true and unalterable boundaries of all and every of such Townships, Cities, Towns, Villages, Concessions, Sections, Blocks, Gores, Commons, and lots or parcels of land, respectively, whether the same shall upon admeasurement be found to contain the exact width, or more or less than the exact width expressed in any Letters Patent, Grant or other Instrument in respect of such Township, City, Town, Village, Concession, Section, Block, Gore, Common, lot or parcel of land mentioned and expressed; and such township, city, town, village, concession, section, block, gore, common, lot or parcel of land, shall embrace the whole width, contained between the front posts, monuments or boundaries, planted or placed, at the front angles of any such township, city, town, village, concession, section, block, gore, common, lot or parcel of land as aforesaid, so marked, placed or planted as aforesaid, and no more nor less, any quantity or measure expressed in the original grant or patent thereof notwithstanding; and every patent, grant or instrument, purporting to be for any aliquot part of such township, city, town, village, concession, section, block, gore, common, lot or parcel of land, shall be construed to be a grant of such aliquot part of the quantity the same may contain, whether such quantity be more or less than that expressed in such patent, grant or instrument; any law, usage or custom to the contrary thereof in anywise notwithstanding.

Recital.

Boundaries placed under the authority of the Government to be deemed the true ones, &c. U. C.

Townships, &c. to comprise all the space included within their boundaries.

As to aliquot parts of Township, &c.

XXXIII. And be it enacted, That in every City, Town or Village in Upper-Canada, which has been surveyed by the authority aforesaid, all allowances for road or roads, street or streets, lane or lanes, common or commons, which have been laid out in the original survey of such City, Town or Village, shall be and the same are hereby declared to be public highways and commons: and all posts or monuments which

Road allowances in Cities, &c., to be public highways. U. C.

have been placed or planted in the original survey of such City, Town or Village, to designate or define any allowance for road or roads, street or streets, lane or lanes, lot or lots, common or commons, shall be and the same are hereby declared to be the true and unalterable boundaries of all such roads, streets, lanes, lots and commons; and all Land Surveyors, when employed to make surveys in such City, Town or Village are hereby required to follow and pursue the same rules and regulations in respect of such surveys as is by law required of them when employed to make surveys in Townships.

Recital.

As to lands granted in blocks and subsequently surveyed by the Grantees. U. C.

XXXIV. And whereas many Townships, tracts or blocks of land in Upper-Canada were granted by the Crown to companies and individuals before any surveys were made therein, and such Townships, tracts or blocks of land were afterwards surveyed by the owners thereof: Be it therefore enacted, That all such Surveys of such Townships, tracts or blocks of land in Upper-Canada, shall be and the same are hereby declared to be original surveys thereof, and to have the same force and effect as though the said original surveys and plans thereof had been made by the authority aforesaid; and all allowances for roads or commons which have been surveyed in such Townships, tracts or blocks of land, and laid down on the plans thereof, shall be and the same are hereby declared to be public highways and commons: and all lines which have been run and marked in such original surveys, and all posts or monuments which have been planted or placed in such original surveys, to designate and define any allowances for road, concession or concessions, lot or lots of land, common or commons, shall be and the same are hereby declared to be the true and unalterable lines and boundaries of all such allowances for road, common or commons, lot or lots of land, and all land Surveyors, when employed to make surveys in such Townships, tracts or blocks of land, are hereby required to follow and pursue the same rules and regulations in respect of such Townships, tracts or blocks of land, and the original surveys thereof, as is by law required of them to follow and pursue in all Townships, tracts or blocks of land which have been surveyed by the authority aforesaid.

Governing lines declared, U. C.

XXXV. And be it enacted, That the course of the boundary line of each and every concession, on that side from which the lots are numbered, shall be and the same is hereby declared to be the course of the division or side-lines throughout the several townships or concessions in Upper-Canada, respectively, provided always, that such division or side-lines were intended, in the original survey performed under such competent authority as aforesaid, to run parallel to the said boundary; and all Surveyors shall and are hereby required to run all division or side-lines, which they may be called upon by the owner or owners of any lands to survey, so as to correspond with and be parallel to that boundary line of the concession in which such lands are situate, from whence the lots are numbered as aforesaid, provided always, as aforesaid, that such division or side lines were intended, in the original survey performed under such competent authority as aforesaid, to run parallel to the said boundary; Provided also, that when that end of a concession, from which the lots are numbered, is bounded by a lake or river, or other natural boundary, or when it has not been run in the original survey performed under such competent authority as aforesaid, or when the course of the division or side-lines of the lots therein was not intended in the original survey performed as aforesaid, to run parallel to such Boundary, the said division or side-lines shall run parallel to the boundary line at the other extremity of such concession, provided their course was intended, in the original survey performed as aforesaid, to be parallel thereto, and that such boundary line was run in the original survey; Provided further, that when in the original survey, per-

Proviso,

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Proviso.

formed under such competent authority as aforesaid, the course of the division or side-lines in any concession was not intended to be parallel to the boundary line at either end of such Concession, they shall be run at such angle with the course of the boundary line at that end of the said concession from which the lots are numbered, as is stated in the plan and field-notes of the original survey, of record in the office of the Commissioner of Crown Lands of this Province, provided such line was run in the original survey as aforesaid, or with the course of the boundary line at the other extremity of the said concession, if the boundary at that end of the concession from which the lots are numbered was not run in the original survey as aforesaid; or if neither of the aforesaid boundaries of the concession were run in the original survey, or if it be bounded at each end by a lake or river or other natural boundary, then at such angle with the course of the line in front of the said concession, as is stated in the plan and field-notes as aforesaid: Provided nevertheless, that if any division or side-line between lots, or proof-line intended to be parallel to the division or side-lines between lots, shall have been drawn in any such concession in the original survey thereof, the division or side-lines between the lots therein shall be drawn parallel to such division or side-line or proof-line; and when two or more such division or side-lines or proof-lines have been drawn in the original survey of such concession, that division or side-line or proof-line which is nearest to the boundary of the concession from which the lots are numbered, and shall govern the course of the division or side-lines of all the lots in such concession between the boundary of the concession from which the lots are numbered and the next division or side-line or proof-line drawn in the original survey, which shall govern the course of the division or side-lines of all the lots up to the next division or side-line or proof-line drawn in the original survey; or to the boundary of the concession towards which the lots are numbered, as the case may be: Provided further, that in all those townships in Upper-Canada, which in the original survey have been divided into sections, agreeably to an Order in Council bearing date the twenty-seventh day of March, one thousand eight hundred and twenty-nine, the division or side-lines in all concessions in any section shall be governed by the boundary lines of such section, in like manner as the division or side-lines in townships originally surveyed before the said day are governed by the boundary lines of the concession in which the lots are situate.

Provido.

Provido.

XXXVI. And be it enacted, That the front of each concession in any Township in Upper-Canada, where only a single row of posts has been planted on the concession lines, and the lands have been described in whole lots, shall be considered to be, and the same is hereby declared to be that end or boundary of such concession which is nearest to the boundary of the township from which the several concessions thereof are numbered: Provided always, that in those townships in Upper-Canada, which are bounded in front by a river or lake where no posts or other boundaries were planted in the original survey on the bank of such river or lake to regulate the width in front of the lots in the broken front concessions, the division or side-lines of the lots in such broken front concessions shall be drawn from the posts or other boundaries on the concession line in rear thereof, parallel to the governing line determined as aforesaid to the river or lake in front: Provided also, that when the line in front of any such concession has not been run in the original survey, the division or side-lines of the lots in such concession shall be run from the original posts or monuments placed or planted on the rear line thereof parallel to the governing line determined as aforesaid to the depth of the concession—that is, to the centre of the space contained between the lines in front of the adjacent concessions, if the

What shall be deemed the front of a concession in certain cases.
U. C.

Provido: when the front line of any concession was not run in the original survey.

concessions were intended in the original survey to be of an equal depth, or if they were not so intended, then to the proportionate depth intended in the original survey, as shewn on the plan and field-notes thereof of record in the Office of the Commissioner of Crown Lands of this Province, having due respect to any allowance for a road or roads made in the original survey; and that a straight line joining the extremities of the division or side-lines of any lot in such concession drawn as aforesaid, shall be the true boundary of that end of the lot which has not been run in the original survey.

Fronts of concessions in certain other cases; depths of lots, &c. U. C.

XXXVII. And be it enacted, That in those Townships in Upper-Canada in which the concessions have been surveyed with double fronts, that is, with posts or monuments planted on both sides of the allowances for roads between the concessions, and the lands shall have been described in half lots, the division or side-lines shall be drawn from the posts at both ends to the centre of the concession, and each end of such concession shall be, and the same is hereby declared to be the front of its respective half of such concession, and that a straight line joining the extremities of the division or side-lines of any half lot in such concession, drawn as aforesaid, shall be the true boundary of that end of the half lot which has not been bounded in the original survey.

As to concessions in cases where alternate concession lines only have been run. U. C.

XXXVIII. And be it enacted, That in those Townships in Upper-Canada in which each alternate concession line only has been run in the original survey, but with double fronts as aforesaid, the division or side-lines shall be drawn from the posts or monuments on each side of such alternate concession lines to the depth of a concession, that is to the centre of the space contained between such alternate concession-lines, if the concessions were intended in the original survey to be of an equal depth, or if they were not so intended, to the proportionate depth intended in the original survey, as shewn on the plan and field-notes thereof of record in the office of the Commissioner of Crown Lands of this Province; and each alternate concession line as aforesaid shall be and the same is hereby declared to be the front of each of the two concessions abutting thereon.

Rule when a line is to be drawn parallel to a governing line. U. C.

XXXIX. And be it enacted, That every Land Surveyor, when and as often as he is employed in Upper-Canada to run any division-line or side-line between lots, or any line required to run parallel to any division-line or side-line in the concession in which the land to be surveyed lies, shall, if it has not been done before, or if it has been done, but the course cannot at such time be ascertained, determine by astronomical observation the true course of a straight line between the front and rear ends of the governing boundary line of the concession or section, and shall run such division-line or side-line as aforesaid, truly parallel to such straight line, if so intended in the original survey, or at such angle therewith as is stated in the plan and field notes as aforesaid, which shall be deemed to be the true course of the said governing or boundary line for all the purposes of this Act, although such governing or boundary-line as marked in the field be curved or deviate otherwise from a straight course; and the same rule shall be observed, if a line is to be run at any angle with a front line or other line, which may not be straight.

Case where the original post or monument cannot be found provided for. U. C.

XL. And be it enacted, That in all cases when any Land Surveyor shall be employed in Upper-Canada to run any side-line or limit between lots, and the original post or monument from which such line should commence cannot be found, he shall in every such case, obtain the best evidence that the nature of the case will admit of, respecting such side-line, post or limit; but if the same cannot be satisfactorily

ascertained, then the Surveyor shall measure the true distance between the nearest undisputed posts, limits or monuments, and divide such distance into such number of lots as the same contained in the original survey, assigning to each a breadth proportionate to that intended in such original survey, as shewn on the plan and field-notes thereof of record in the office of the Commissioner of Crown Lands of this Province; and if any portion of the line in front of the concession in which such lots are situate, or boundary of the Township in which such concessions are situate, intended in the original survey to be straight, shall be obliterated or lost, then the Surveyor shall run a straight line between the two nearest points or places where such line can be clearly and satisfactorily ascertained, and shall plant all such intermediate posts or monuments as he may be required to plant, in the lines so ascertained, having due respect to any allowance for a road or roads, common or commons, set out in such original survey; and the limits of each lot so found shall be taken to be and are hereby declared to be, the true limits thereof; any law or usage to the contrary thereof in any wise notwithstanding.

XLII. And whereas many Towns and Villages in Upper-Canada have been surveyed and laid out by companies and individuals, and by different owners of the lands comprising the same, and lands have been sold therein according to the surveys and plans thereof: Be it therefore enacted, That all allowances for road, street or streets, common or commons, which have been surveyed in such Towns or Villages in Upper-Canada, and laid down on the plans thereof, and upon which lots of land fronting on or adjoining such allowances for road, street or streets, common or commons, have been sold to purchasers, shall be and the same are hereby declared to be public highways, streets and commons; and all lines which have been run, and the courses thereof given in the survey of such Towns and Villages, and laid down on the plans thereof, and all posts or monuments which have been placed or planted in the first survey of such Towns and Villages to designate or define any such allowances for road, street or streets, lot or lots, common or commons, shall be and the same are hereby declared to be the true and unalterable lines and boundaries of all such allowances for such road, street or streets, lot or lots, common or commons, in such Towns and Villages, respectively: Provided always, that no lot or lots of land in such Towns and Villages, shall be so laid out as to interfere with, obstruct, shut up, or compose any part of any allowance for road, common or commons, which was surveyed and reserved in the original survey of the Township or Townships wherein such Towns or Villages are or may be situate: Provided also, that any owner or owners of any such Towns and Villages, or the owner or owners of any original division thereof, shall have lawful right to amend or alter the first survey and plan of any such Town or Village, or any original particular division thereof, provided no lots of land have been sold fronting on or adjoining any street or streets, common or commons where such alteration is required to be made: Provided also, that from and after the passing of this Act, no such private survey shall be valid, unless performed by a duly authorized Surveyor.

XLIII. And be it enacted, That the original owner or owners of the lands forming the site of any Town or Village in Upper-Canada, mentioned in the next preceding Section of this Act, or the agent or agents, heirs or other legal representatives of the original owner or owners of any such Town or Village, or any original division thereof, shall, within one year from and after the passing of this Act, make or cause to be made and deposited in the Registry Office of the County wherein such Town or Village is situate, a fair and correct plan or map of such Town

Recital.

As to allowances for road or streets in Towns or Villages laid out by private parties. U. C.

Proviso.

Proviso.

Proviso.

Original owners or their heirs, &c. to deposit plans of Towns, &c. Villages laid out by them. U. C.

or Village, or original division thereof, on a scale of not less than an inch to every four chains, and lay down thereon, or cause to be laid down thereon, all roads, streets, lots and commons within the same, with the courses and width of the roads, streets and commons, and the width and length of all lots, and the courses of all division-lines between the respective lots within the same, together with such information as shall show the lot or lots, concession or concessions, tract or tracts, block or blocks of land of the Township wherein such Town or Village shall be situate, and every such plan or map of every such Town or Village or original division thereof, shall be certified by some Land Surveyor, and also by the original owner or owners thereof, or the legal representative or representatives of such owner or owners, as being a correct plan or map of the same; and every copy of such plan or map obtained from such Registry Office, and certified as correct by the Registrar of such County, shall be taken as evidence of the original plan and survey of such Town or Village in all Courts of Record; and if any such owner or owners of any such Town or Village, or any original division thereof, or their agents, heirs, or other legal representatives, shall refuse or neglect to make or cause to be made, any such plan or map of any such Town or Village, or original division thereof, and deposit the same in a Registry Office of the County wherein the same is situate, within one year from and after the passing of this Act, he, she, or they shall forfeit and pay for such refusal or neglect, the sum of two pounds ten shillings, and a like sum for every year thereafter until such plan or map shall be made and deposited in the Registry Office of the County wherein the same is situate; and the payment of any such penalty or penalties shall not be held to free or discharge such owner or owners, their agents, heirs or other legal representatives, from any such penalties which may not have been paid at the time of such payment; and all such penalties, fines, and forfeitures may and shall be collected in the same manner and applied to the same purposes as like penalties, fines and forfeitures are required to be collected and applied under and by authority of the sixth and seventh Sections of the Act passed in the eighth year of Her Majesty's reign, and intituled, *An Act to declare certain Lands in Upper-Canada liable to Assessment, and to oblige the owners of such Lands to make Returns thereof to the District Treasurer.*

Plan to be certified.

Penalty for neglect.

Effect of payment of any penalty.

Recovery and application of penalties.

8 Vic. c. 58.

Duty of the Registrar in whose office any such plan shall be deposited. U. C.

XLIII. And be it enacted, That whenever any such plan or map of any such Town or Village, in Upper-Canada, or original division thereof, shall be made and deposited in the Registry Office of the County wherein the same shall be situate, it shall be the duty of the Registrar of such County to make a record of the same, and enter the day and year on which the same shall be deposited in his office; and for such service the said Registrar shall be entitled to charge the same fees, and no more, than are by law established for making a record of any other document, which is by law required to be entered of record in such office; and such Registrar shall thereupon keep a separate book for the registering of title deeds of lands situate in such Town or Village, in the same manner as is by law required for registering of title deeds for lands situate in Townships.

As to lands in adjoining concessions included in the same grant. U. C.

XLIV. And for avoiding all doubt as to the application of the foregoing enactments in the cases hereinafter mentioned: Be it declared and enacted, That in all cases where any Letters Patent of grant, or other Instrument, has issued for several lots or parcels of land in Upper-Canada, in concessions adjoining each other, the side-lines or limits of the lots or parcels of land therein mentioned and expressed, shall commence at the front angles of such lots or parcels of land respectively, and shall be run as hereinbefore provided, and shall not continue on in a straight line, through several concessions, unless the side-lines or limits, when

run as aforesaid, shall intersect the corresponding post or monument in the front of the concession next in rear, that is to say, each such lot or parcel of land shall be surveyed and bounded according to the provisions of this Act, independently of the other lots or parcels mentioned in the same grant or instrument.

XLV. And be it enacted, That each and every Land Surveyor in Upper-Canada shall keep exact and regular journals and field-notes of all his surveys, and file them in the order of time in which the said surveys have been performed, and shall give copies thereof to the parties concerned when so required, for which he shall be allowed the sum of five shillings currency, for each copy, if the number of words therein do not exceed four hundred words, but if the number of words therein exceed four hundred, he shall be allowed six pence additional for every hundred words therein, over and above four hundred words.

Surveyors in U. C. to keep regular journals and field-notes, and furnish copies to parties interested.

XLVI. And be it enacted, That for better ascertaining the original limits of any lot, concession, range, township or tract of land in Upper-Canada, every Land Surveyor acting in that portion of this Province, shall be and he is hereby authorized and required to administer an oath or oaths to each and every person whom he may examine at any time concerning any boundary, post or monument, or any original land mark, line, limit or angle of any township, concession, range, lot or tract of land which such Surveyor may be employed to survey.

Surveyors in U. C. may administer oaths for certain purposes.

XLVII. And be it enacted, That all evidence to be taken by any Surveyor as aforesaid, in Upper-Canada, shall be reduced to writing, and shall be read over to the person giving the same and signed by such person, or if he cannot write, he shall acknowledge the same as correct before two witnesses, who shall sign the same with the Surveyor; and such evidence shall, and any document or plan prepared and sworn to as correct before a Justice of the Peace, by any Surveyor, with reference to any survey by him performed, may be filed and kept in the Registry Office of the County in which the lands to which it relates shall be situate, subject to be produced thereafter in evidence in any Court of Law or Equity within Upper-Canada; and for receiving and filing the same, the Registrar shall be entitled to one shilling and three pence currency; and the expense of filing the same shall be borne by the parties in the same manner as other expenses of the survey.

Evidence taken by Surveyors in U. C. to be reduced to writing and signed; &c.

XLVIII. And be it enacted, That if any person shall, in any part of this Province, wilfully swear or affirm falsely concerning any matter with regard to which an oath may be required under this Act, such person shall be deemed guilty of wilful and corrupt perjury, and being thereof convicted before any competent Court shall be liable to be punished accordingly.

Wilful false swearing under this Act to be perjury.

XLIX. And be it enacted, That if any action of ejectment shall be brought against any person or persons, who, after any line or limit shall have been established according to this Act, in Upper-Canada, shall be found, in consequence of unskilful survey, to have improved on lands not his, her or their own, it shall and may be lawful for the Judge of Assize, before whom such action shall have been tried, to direct the Jury to assess such damages for the defendant or defendants for any loss he, she or they may sustain in consequence of any improvement made before the commencement of such action, and also to assess the value of the land to be recovered; and if a verdict shall be found for the plaintiff or plaintiffs, no Writ of Possession shall issue until such plaintiff or plaintiffs shall have tendered or paid the amount of such damages as aforesaid, or shall have offered to release the said land to the defendant, provided the said defendant should pay or tender to the plaintiff the value of the land so assessed, before the fourth day of the ensuing term.

As to cases in U. C. where from unskilful survey a party may have improved lands afterwards found to belong to his neighbour.

Plaintiff not to have costs in such cases from the time defendant offers to give up the lands on receiving the value of his improvements, stating the amount. Unless the Jury shall assess the improvements at less than the sum demanded. *Proviso*; that no proof of Plaintiff's Lessor's title be required.

L. And be it enacted, That from and after the passing of this Act, in all cases in which the Jury before whom any action of ejectment shall be tried in Upper-Canada, shall assess the damages for the defendant as provided in the next preceding section, for improvements made upon land not his own, in consequence of unskilful survey, and when it shall be satisfactorily made to appear that the defendant does not contest the plaintiff's action for any other purpose than to obtain the value of the improvements made upon the land previous to the alteration and establishing of the lines according to law, it shall and may be lawful for the Judge before whom such action shall be tried, to certify such fact upon the record, and thereupon the defendant shall be entitled to the costs of the defence, in the same manner as if the plaintiff had been non-suited on the trial, or a verdict rendered for the defendant; provided the defendant shall, at the time of entering into the consent rule, have given notice in writing to the lessor or lessors of the plaintiff in such ejectment, or to his Attorney named on the Writ or declaration of the amount claimed for such improvements, on payment of which amount the defendant or person in possession will surrender the possession to such lessor or lessors, and that the said defendant does not intend at the trial to contest the title of the lessor or lessors of the plaintiff; and if such notice shall on the trial be found not to have been given as aforesaid, or if the Jury shall assess for the defendant a less amount than that claimed in the notice, or shall find that the defendant has refused to surrender possession of the land claimed, after tender shall have been made of the amount claimed, then in any of such cases the Judge shall not certify, and the defendant shall not be entitled to the costs of the defence, but shall pay costs to the plaintiff; any thing herein contained to the contrary notwithstanding; Provided always, that upon the trial of any such cause no evidence shall be required to be produced in proof of the title of the lessor or lessors of the plaintiff.

TAVERN LICENSES.

THE IMPERIAL DUTY.

(*VIDE ACT 13 & 14 VIC., CAP. 65, PAGES 185 to 188.*)

EXTRACT FROM A CIRCULAR FROM THE INSPECTOR GENERAL'S
DEPARTMENT TO REVENUE INSPECTORS,

Dated 17th February, 1851.

Imperial Act, 14
Geo. III. cap. 88.

"Some doubts appearing to be entertained by the Revenue Inspectors and others as to what amount in Currency is to be taken by them for the duty of 36s. sterling, on each Tavern License imposed by the Imperial Act 14, Geo. 3, cap. 88.

I am directed to refer you to the 3rd clause of the Provincial Act, 3 & 4 Vic., cap. 93, regulating the Currency of this Province, by which it is provided "that nothing in this Act shall affect the meaning to be affixed to the words "Sterling," "Sterling Money of Great Britain," or "other words of like import in any law in force in this Province, or any part thereof, when this Act shall come into force, or in any contract or agreement then made therein, but any such law, contract, or agreement

"shall be construed according to the intention of the Legislature, or of the parties who made the same, &c."

As at the time the Provincial Act above cited came into operation, the Act of the Imperial Parliament 3 Geo. 4, was in force in this Province, and 36s. sterling was then equivalent to 40s. currency, therefore this latter sum is the amount of duty to be exacted by you on each Tavern License, as imposed by the Imperial Act abovementioned; over and above which you are also to receive payment of such amount of additional duty as may be imposed by any Municipality, within the County or Counties in which you act.

Imperial Duty,
40s. Currency.

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on

